

Exhibit D
Transcript of Deposition of
Billy R. Williams
10-21-04

CONDENSED TRANSCRIPT

Deposition of: Billy R. Williams

October 21, 2004

Billy R. Williams vs.
Pennsylvania State Police

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<p style="text-align: right;">Page 1</p> <p>1 2 IN THE UNITED STATES DISTRICT COURT 3 FOR THE WESTERN DISTRICT OF PENNSYLVANIA 4 5 BILLY R. WILLIAMS,) 6) 7 Plaintiff,) 8 vs.) Civil Action 9) 10 PENNSYLVANIA STATE) No. 03-239 E 11 POLICE, an Agency of) 12 the Commonwealth of) 13 Pennsylvania,) 14) 15 Defendant.) 16 17 BILLY R. WILLIAMS,) 18) 19 Plaintiff,) 20 vs.) Civil Action 21) 22 PENNSYLVANIA STATE) No. 03-130 E 23 TROOPERS ASSOCIATION,) 24) 25 Defendant.)</p> <p>18 DEPOSITION OF BILLY R. WILLIAMS 19 20 REPRODUCTION OF THIS TRANSCRIPT IS PROHIBITED 21 WITHOUT AUTHORIZATION FROM THE CERTIFYING 22 AGENCY 23 24 25</p>	<p style="text-align: right;">Page 3</p> <p>1 2 DEPOSITION OF BILLY R. WILLIAMS 3 a witness herein, called by the Defendants 4 for examination, taken pursuant to the Federal 5 Rules of Civil Procedure, by and before 6 Marlene A. Robinson, a Professional Court 7 Reporter and Notary Public in and for the 8 Commonwealth of Pennsylvania, at the Office of 9 the Attorney General, Erie Regional Office, 10 4801 Atlantic Avenue, Erie, Pennsylvania, on 11 Thursday, October 21, 2004, at 10 a.m. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 2 3 COUNSEL PRESENT: 4 For the Plaintiff: 5 Law Offices of Neal A. Sanders 6 by Neal A. Sanders, Esq. 7 8 For the Defendant Pennsylvania State Police: 9 10 Office of the Attorney General 11 by Scott A. Bradley, Senior Deputy 12 Attorney General 13 14 For the Defendant Pennsylvania State Troopers 15 Association: 16 Law Office of Bryan Campbell 17 by Bryan Campbell, Esq. 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 2 INDEX 3 4 5 WITNESS: BILLY R. WILLIAMS 6 7 EXAMINATION: PAGE 8 9 BY MR. BRADLEY 5 10 BY MR. SANDERS 139 11 BY MR. BRADLEY 175 12 BY MR. SANDERS 182 13 BY MR. CAMPBELL 183 14 BY MR. SANDERS 239 15 BY MR. CAMPBELL 245 16 BY MR. SANDERS 250 17 BY MR. BRADLEY 252 18 BY MR. SANDERS 254 19 BY MR. CAMPBELL 256 20 21 EXHIBITS: 22 23 WILLIAMS EXHIBIT NO. 1 50 24 25</p>

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<p style="text-align: right;">Page 5</p> <p>1</p> <p>2 PROCEEDINGS</p> <p>3 -----</p> <p>4 BILLY R. WILLIAMS</p> <p>5 the Plaintiff herein, having been first duly</p> <p>6 sworn, was examined and testified as follows:</p> <p>7 -----</p> <p>8 EXAMINATION</p> <p>9 BY MR. BRADLEY:</p> <p>10 Q. Just to set the stage here, Mr.</p> <p>11 Williams, as you may be aware, we are here to</p> <p>12 take your deposition in the consolidate cases</p> <p>13 of Williams versus the Pennsylvania State</p> <p>14 Police at No. 03239 Erie Docket in the United</p> <p>15 States District Court for the Western District</p> <p>16 of Pennsylvania, and Williams versus the</p> <p>17 Pennsylvania State Police Troopers Association</p> <p>18 of No. 03130 Erie Docket.</p> <p>19 My name is Scott Bradley. I'm a</p> <p>20 Deputy Attorney General with the Pennsylvania</p> <p>21 Office of the Attorney General. I represent</p> <p>22 the Pennsylvania State Police in the case you</p> <p>23 have against the Pennsylvania State Police.</p> <p>24 With me is Mr. Bryan Campbell who is</p> <p>25 representing the Troopers Association in the</p>	<p style="text-align: right;">Page 7</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Q. Do you go by any alias?</p> <p>3 A. No, I do not.</p> <p>4 Q. Can you read, write and understand</p> <p>5 the English language?</p> <p>6 A. Yes, I can.</p> <p>7 Q. As we go through this, if you don't</p> <p>8 understand a question I ask, please ask me to</p> <p>9 clarify it. If you don't know the answer to a</p> <p>10 question, that's an appropriate answer. You</p> <p>11 can just say "I don't know." If you need to</p> <p>12 take a break at any time, please let me know</p> <p>13 and we will try to accommodate that. Do you</p> <p>14 have any questions before we begin?</p> <p>15 A. I do not.</p> <p>16 Q. The most important thing to remember</p> <p>17 is the court reporter can only take down one</p> <p>18 person at a time. I will try to listen to the</p> <p>19 end of your answer if you try to listen to the</p> <p>20 end of my questions. If we can both try not to</p> <p>21 anticipate the ends of each others' statement,</p> <p>22 then I think we'll be okay.</p> <p>23 You were present for the depositions</p> <p>24 of several other witnesses in this case; is</p> <p>25 that correct?</p>
<p style="text-align: right;">Page 6</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 case at 03-130 E.</p> <p>3 We're here in the offices of the</p> <p>4 Attorney General in Erie for the purpose of</p> <p>5 taking your deposition. This is a case where</p> <p>6 you, the Plaintiff, have brought allegations</p> <p>7 against both the State Police and the Troopers</p> <p>8 Association alleging discrimination based on</p> <p>9 your race. Also, I believe you have some</p> <p>10 claims of retaliation.</p> <p>11 Both Mr. Campbell and myself will be</p> <p>12 asking you questions about your lawsuits and</p> <p>13 the circumstances underlying your claims. Do</p> <p>14 you understand that?</p> <p>15 A. Yes, I do.</p> <p>16 Q. You have been placed under oath.</p> <p>17 The court reporter here is taking down</p> <p>18 everything I say, everything Mr. Campbell says,</p> <p>19 everything your attorney, Mr. Sanders, will</p> <p>20 say, and of course, everything that you will</p> <p>21 say. Then of course when this is finished,</p> <p>22 there will be a transcript.</p> <p>23 Could you at this time state your</p> <p>24 name for the record?</p> <p>25 A. Billy R. Williams.</p>	<p style="text-align: right;">Page 8</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. That is correct.</p> <p>3 Q. Do you have a basic understanding of</p> <p>4 how this process is going to proceed? I will</p> <p>5 ask questions, and you will answer.</p> <p>6 A. I do.</p> <p>7 Q. Then Mr. Campbell will ask some</p> <p>8 questions, and you'll provide the answers.</p> <p>9 Then Mr. Sanders may have some questions for</p> <p>10 you at the end.</p> <p>11 A. Okay.</p> <p>12 Q. What is your date of birth?</p> <p>13 A. December 25, 1945.</p> <p>14 Q. Where were you born?</p> <p>15 A. Waynesboro, Mississippi.</p> <p>16 Q. Just for the record, what do you</p> <p>17 characterize as your race?</p> <p>18 A. African-American.</p> <p>19 Q. I want to ask some questions about</p> <p>20 your educational background. Did you complete</p> <p>21 high school?</p> <p>22 A. Yes, I did.</p> <p>23 Q. What year?</p> <p>24 A. 1964.</p> <p>25 Q. What high school?</p>

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<p style="text-align: right;">Page 9</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. Erie Technical Memorial High School.</p> <p>3 Q. That is here in Erie, Pennsylvania?</p> <p>4 A. Here in Erie. They changed the name</p> <p>5 to Central High School now.</p> <p>6 Q. Do you have any education past high</p> <p>7 school?</p> <p>8 A. I took some college courses while in</p> <p>9 the United States Navy.</p> <p>10 Q. Where did you take those courses?</p> <p>11 A. Aboard ship, I was stationed aboard</p> <p>12 the Historia US 933, a correspondence course</p> <p>13 while in the United States Navy.</p> <p>14 Q. Was this offered through the Navy</p> <p>15 itself?</p> <p>16 A. Yes.</p> <p>17 Q. It wasn't tied to a particular</p> <p>18 university or college?</p> <p>19 A. No.</p> <p>20 Q. Is that the extent of your formal</p> <p>21 education?</p> <p>22 A. Correct.</p> <p>23 Q. Next I want to ask some questions</p> <p>24 about your employment history. You have</p> <p>25 already indicated at some point you were with</p>	<p style="text-align: right;">Page 11</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. Erie Time News.</p> <p>3 Q. You maintained that employment up</p> <p>4 until you entered the Navy as a regular</p> <p>5 enlisted person?</p> <p>6 A. Correct.</p> <p>7 Q. What was your highest rank with the</p> <p>8 Navy?</p> <p>9 A. High-Seaman III.</p> <p>10 Q. Is that High-Seaman III?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know what the corresponding</p> <p>13 rank in the Army would be? Would that be a</p> <p>14 private, corporal or sergeant?</p> <p>15 A. I would not know that.</p> <p>16 Q. You already indicated that you left</p> <p>17 the Navy in 1968?</p> <p>18 A. Correct.</p> <p>19 Q. Why did you leave the Navy?</p> <p>20 A. I spent my time in the Navy and got</p> <p>21 discharged.</p> <p>22 Q. You were discharged? Was it an</p> <p>23 honorable discharge?</p> <p>24 A. Honorable discharge, correct.</p> <p>25 Q. Then what did you do?</p>
<p style="text-align: right;">Page 10</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 the US Navy. Was that immediately after</p> <p>3 graduating from high school?</p> <p>4 A. While in high school, I had a job</p> <p>5 with the Erie Times Newspaper in the</p> <p>6 12th grade. I took print as a course in</p> <p>7 school. From there, I went to the</p> <p>8 United States Navy. I was in the Navy for</p> <p>9 two years. I got out of the Navy and I worked</p> <p>10 at Fenestra, a company that made steel doors.</p> <p>11 Q. Can you spell that?</p> <p>12 A. F-E-N-E-S-T-R-A, Fenestra. They've</p> <p>13 gone out of business now.</p> <p>14 Q. Going back to your service in the</p> <p>15 Navy, would that have been from 1964 to 1966?</p> <p>16 A. 1966 to 1968. I went in the</p> <p>17 Reserves. From high school, I signed up for</p> <p>18 the Reserves. I forget what they called it</p> <p>19 back then. Before I went to the Navy, I went</p> <p>20 into the Reserves. Then they called you up and</p> <p>21 you went into the full Navy. I was in the</p> <p>22 Reserves for about four or five months and then</p> <p>23 went into the Navy.</p> <p>24 Q. After you graduated from high school</p> <p>25 in 1964, were you employed anywhere?</p>	<p style="text-align: right;">Page 12</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. I started working at Fenestra.</p> <p>3 Q. You did mention that. That was a</p> <p>4 door manufacturing company?</p> <p>5 A. Correct. They made steel doors for</p> <p>6 commercial manufacturers.</p> <p>7 Q. What did you do for them?</p> <p>8 A. I welded steel doors. I ran the</p> <p>9 welder machine and helped load the trucks.</p> <p>10 Q. How long did you work there?</p> <p>11 A. Until I joined the state police in</p> <p>12 1969.</p> <p>13 Q. How did you come to join the</p> <p>14 Pennsylvania State Police? Were you recruited?</p> <p>15 Was this a life-long ambition, or was this just</p> <p>16 an opportunity that came around at the right</p> <p>17 time or any other?</p> <p>18 A. The opportunity came around at the</p> <p>19 right time. I saw a posting in the City of</p> <p>20 Erie that the state police were recruiting</p> <p>21 people to join the state police. In 1968, I</p> <p>22 saw the posting. I signed up to take the test.</p> <p>23 I took the test in 1968 and joined after I</p> <p>24 passed the test.</p> <p>25 Q. Did you just take the test the one</p>

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1 B. Williams - by Mr. Bradley
2 time?
3 A. Correct. I was ranked 34 out of 942
4 on the test.
5 Q. Did you then go directly to the
6 academy?
7 A. Yes, I did. I was in that class in
8 Hershey in 1969. It was a three-month class.
9 It was a class of 124; 120 graduated.
10 Q. That was at the Pennsylvania State
11 Police Training Academy?
12 A. Correct, in Hershey.
13 Q. In Hershey. So you had completed
14 your academy work in 1969?
15 A. Correct. I started May 22 and
16 graduated August 14 from the State Police
17 Academy.
18 Q. Do you know what your class ranking
19 was?
20 A. At that time, they didn't give a
21 score. However, going and taking the final
22 exam, I was tied for the class lead. My
23 platoon leader advised me the day before we
24 took the final test at the academy that I was
25 tied for the class lead. I always assumed I

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1 B. Williams - by Mr. Bradley
2 aced that test, but they gave us no final
3 standing.
4 Q. You indicated that your academy
5 class was approximately 120 or 124?
6 A. 124 started, and I believe four
7 dropped out during the training, during those
8 few months of training.
9 MR. SANDERS: Lieutenant, let
10 me try as I made this observation. Scott was
11 trying to warn you of this in the beginning.
12 Try to slow down a little bit, if
13 you could, because Marlene over here, if she
14 quits on us, we'll have to get somebody else.
15 Just give a breath or two, let Scott finish,
16 let there be dead silence in the room and then
17 answer. Thanks.
18 A. Okay.
19 BY MR. BRADLEY:
20 Q. Do you recall the racial composition
21 of your academy class?
22 A. Yes, there were two of us in the
23 class.
24 Q. Two African Americans?
25 A. Correct.

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1 B. Williams - by Mr. Bradley
2 Q. Were the rest all white or
3 Caucasian, or where there any Asians or any
4 other minority groups?
5 A. All Caucasians.
6 Q. What was your first assignment out
7 of the academy with the state police?
8 A. Troop D, Butler.
9 Q. Were you actually assigned to the
10 Butler barracks?
11 A. Yes.
12 Q. That would have been as a trooper?
13 A. Trooper in the patrol section.
14 Q. I believe we discussed this at
15 Captain Conley's deposition, but I believe he
16 indicated that within each troop there are
17 three sections. Is that correct?
18 A. That's at headquarters. There are
19 three sections at headquarters.
20 Q. There's three sections at
21 headquarters?
22 A. Yes.
23 Q. What are those three sections?
24 A. Staff, crime and patrol.
25 Q. This would be the headquarters in

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1 B. Williams - by Mr. Bradley
2 Hershey?
3 A. Troop D, Butler. Every troop has a
4 headquarters.
5 Q. Within the troop headquarters, there
6 are these three sections, staff, crime and
7 patrol?
8 A. Correct.
9 Q. Could you briefly describe what each
10 section does, and we can begin with staff.
11 A. Staff is primarily responsible for
12 training and maintenance of the vehicles in the
13 troop. Like I say, it's training. It's
14 keeping track of training records for everybody
15 in the troop, monitoring the payment of bills
16 within the troop, and a lot of times the staff
17 section commander is also the labor
18 representative in the troop, at least he's
19 supposed to be.
20 Q. The crime section?
21 A. Crime section is the supervised
22 section that mainly deals with criminal
23 investigation.
24 Q. The patrol section?
25 A. They mostly deal with the patrol on

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<p style="text-align: right;">Page 17</p> <p>1 B. Williams - by Mr. Bradley 2 highways and the county roads. They normally 3 are the initial responders to any type of 4 incident. 5 Q. When you began your first assignment 6 with the state police, you were assigned to 7 Troop D which is the Butler area? 8 A. Correct. 9 Q. You were assigned to the Butler 10 barracks? 11 A. Correct. 12 Q. You were in the patrol section? 13 A. Correct. 14 Q. Do you recall who your supervisor 15 was at that time? 16 A. I cannot remember at this time. 17 Q. Would the barracks station commander 18 and your supervisor be the same person? 19 A. No. 20 Q. Do you recall who the barracks 21 station commander was at that time? 22 A. The troop commander was 23 Captain Jim Barger. 24 Q. B-A-R-G-E-R? 25 A. Correct.</p>	<p style="text-align: right;">Page 19</p> <p>1 B. Williams - by Mr. Bradley 2 how that works? 3 A. Correct. 4 Q. Let me now go back to Troop S. Were 5 you still in the patrol section at Troop S? 6 A. Yes. 7 Q. Did Troop S have staff and crime 8 sections? 9 A. No. 10 Q. It was strictly a patrol section? 11 A. Strictly patrol and interstate 12 system. 13 Q. Would your responsibilities have 14 been I-79 and I-80? 15 A. I-79. 16 Q. Strictly I-79? 17 A. Meadville to Erie. 18 Q. How long were you with Troop S? 19 A. About 11 years. 20 Q. Where did you go from there? 21 A. From Meadville, I was transferred to 22 Dubois in 1981. I was in Dubois roughly for 23 about eight or nine months, and I then got 24 promoted to corporal. 25 Q. Was that your first promotion with</p>
<p style="text-align: right;">Page 18</p> <p>1 B. Williams - by Mr. Bradley 2 Q. How long did you work in the patrol 3 section at the Butler barracks? 4 A. Until I transferred out in May of 5 1970. I went to the interstate. 6 Q. Is that a separate troop? 7 A. Yes. I went to the interstate 8 system out of Meadville. It had just started 9 in May of 1970. It's a new patrol section they 10 started. 11 MR. SANDERS: May of 1970? 12 THE WITNESS: May of 1970. 13 Q. Does that troop have a letter 14 designation? 15 A. It used to be S, but it's been 16 discontinued. 17 Q. Was it Troop S at the time you were 18 there? 19 A. Troop S, right, the whole time. 20 Q. What is that referred to now? 21 A. It has been disbanded. 22 Q. There is no Troop S anymore? 23 A. They disbanded in 1997. 24 Q. Do they now have each local troop 25 cover the interstate in its own area? Is that</p>	<p style="text-align: right;">Page 20</p> <p>1 B. Williams - by Mr. Bradley 2 the state police? 3 A. Correct. 4 Q. Had you applied for promotions in 5 the interim? 6 A. No. I never took the test before. 7 Q. After you were promoted to corporal, 8 did you remain at Dubois? 9 A. No. I was assigned to -- I can't 10 think of the station right now. I'm sure it 11 will come to me shortly. 12 Q. What was your assignment at Dubois? 13 A. I was patrol corporal. Oh, you mean 14 in Dubois? 15 Q. In Dubois, yes. 16 A. I was patrol trooper. 17 Q. You still remained in the patrol 18 section? 19 A. Patrol of Interstate 79 -- I mean 20 Interstate 80, Lock Haven. When I made 21 corporal, I went to Lock Haven. 22 Q. Do you know why you were transferred 23 in 1981 to Dubois? 24 A. It was a disciplinary transfer. 25 Q. What was the basis of that?</p>

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<p style="text-align: right;">Page 21</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. I was accused of gambling.</p> <p>3 Q. Did you challenge that transfer, or</p> <p>4 did you at any point after the allegation was</p> <p>5 made?</p> <p>6 A. No. I challenged the allegation,</p> <p>7 but I didn't challenge the transfer, no.</p> <p>8 Q. After being promoted to corporal,</p> <p>9 you were assigned to Lock Haven?</p> <p>10 A. Correct.</p> <p>11 Q. Was that a voluntary transfer at</p> <p>12 that point?</p> <p>13 A. In the state police, when you get</p> <p>14 promoted they give you options. You have to go</p> <p>15 where the promotion is. The promotion was in</p> <p>16 Lock Haven, and my choice was to accept it or</p> <p>17 turn it down.</p> <p>18 Q. You accepted it?</p> <p>19 A. I accepted it.</p> <p>20 Q. What section were you assigned to at</p> <p>21 Lock Haven?</p> <p>22 A. I was in the patrol section.</p> <p>23 Q. You indicated you were the patrol</p> <p>24 corporal?</p> <p>25 A. Correct. I believe there were four</p>	<p style="text-align: right;">Page 23</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. When I first arrived at Coury, it</p> <p>3 was in 1982.</p> <p>4 Q. 1982. How long did you remain</p> <p>5 there?</p> <p>6 A. Two years, and then I made sergeant.</p> <p>7 Q. Was it the same pattern here? You</p> <p>8 took the test, and then you were promoted to</p> <p>9 sergeant?</p> <p>10 A. Correct.</p> <p>11 Q. Was there any time between 1981 and</p> <p>12 I guess we're talking up to 1984 now when you</p> <p>13 took the sergeant's test, was there any time in</p> <p>14 that period that you attempted to take the</p> <p>15 sergeant's test?</p> <p>16 A. I passed the sergeant's test the</p> <p>17 first time I took it.</p> <p>18 Q. Did a sergeant's position become</p> <p>19 available shortly thereafter?</p> <p>20 A. Yes. Again, you had to go to where</p> <p>21 the openings were. I lucked out that there was</p> <p>22 an opening in Erie.</p> <p>23 Q. That's where you went?</p> <p>24 A. Correct.</p> <p>25 Q. This was a different barracks than</p>
<p style="text-align: right;">Page 22</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 of us there.</p> <p>3 Q. Four patrol corporals?</p> <p>4 A. Correct.</p> <p>5 Q. How many patrol troopers did you</p> <p>6 supervise, if you can remember?</p> <p>7 A. Roughly, I would say about 17 or 18.</p> <p>8 Q. How long did you remain stationed at</p> <p>9 Lock Haven?</p> <p>10 A. Six months.</p> <p>11 Q. Was this still 1981, or was this in</p> <p>12 1982?</p> <p>13 A. 1982.</p> <p>14 Q. After Lock Haven, where did you go?</p> <p>15 A. I requested a transfer to my home</p> <p>16 area, and I was assigned to Coury barracks out</p> <p>17 of Erie.</p> <p>18 Q. What was your assignment there?</p> <p>19 A. I was the patrol corporal, one of</p> <p>20 three patrol corporals.</p> <p>21 Q. How many troopers did you supervise</p> <p>22 there?</p> <p>23 A. About 20.</p> <p>24 Q. That would have been 1983 at that</p> <p>25 point?</p>	<p style="text-align: right;">Page 24</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Coury?</p> <p>3 A. Yes, it was Erie City, Erie</p> <p>4 headquarters.</p> <p>5 Q. Do you recall what year we're</p> <p>6 talking about now?</p> <p>7 A. January of 1984.</p> <p>8 Q. Again, were you assigned to the</p> <p>9 patrol section?</p> <p>10 A. Yes. I was in the patrol section</p> <p>11 roughly for about a year.</p> <p>12 Q. How many patrol sergeants would</p> <p>13 there have been in Erie at this time?</p> <p>14 A. Three.</p> <p>15 Q. At this point, how many subordinates</p> <p>16 were you supervising?</p> <p>17 A. About 47. Correction, 47 troopers</p> <p>18 and about six foremen, about 53.</p> <p>19 Q. After that, where was your next</p> <p>20 assignment?</p> <p>21 A. I was a patrol sergeant for roughly</p> <p>22 a year and then an opening came in for staff</p> <p>23 section sergeant. I applied for it and got the</p> <p>24 position.</p> <p>25 Q. Was this also at the Erie station?</p>

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<p style="text-align: right;">Page 25</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. The Erie station.</p> <p>3 Q. How long did you hold the position?</p> <p>4 A. Until -- from 1985 to 1990 when I</p> <p>5 got promoted to lieutenant.</p> <p>6 Q. Did you again have to take a test</p> <p>7 for the lieutenant promotion?</p> <p>8 A. Correct.</p> <p>9 Q. Did you pass the test on the first</p> <p>10 time you took it?</p> <p>11 A. I believe it was the second time I</p> <p>12 took it.</p> <p>13 Q. Do you recall the first time you</p> <p>14 took the test? Do you recall when it was?</p> <p>15 A. I don't remember at this time.</p> <p>16 Q. After you were promoted to</p> <p>17 lieutenant, did an assignment opening become</p> <p>18 available?</p> <p>19 A. Yes. I went to Troop M, Bethlehem.</p> <p>20 That's where the opening was at.</p> <p>21 Q. You accepted that?</p> <p>22 A. Yes, I did.</p> <p>23 Q. What section were you in in Troop M?</p> <p>24 A. Staff lieutenant.</p> <p>25 Q. How long did you serve as staff</p>	<p style="text-align: right;">Page 27</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. Captain Terry L. Seilhamer.</p> <p>3 Q. That's spelled S-E-I-L-H-A-M-E-R?</p> <p>4 A. Correct.</p> <p>5 Q. What was his position, if you know?</p> <p>6 A. He was the troop commander, Troop D,</p> <p>7 Butler.</p> <p>8 Q. This might be a good time to talk</p> <p>9 about Troop D a little bit. How many stations</p> <p>10 are in Troop D?</p> <p>11 A. Five.</p> <p>12 Q. Can you identify them?</p> <p>13 A. Butler was the headquarters, Beaver,</p> <p>14 New Castle, Mercer and Kittanning.</p> <p>15 Q. How long were you the station</p> <p>16 commander at New Castle?</p> <p>17 A. I believe until March or April of</p> <p>18 1993.</p> <p>19 Q. Then where did you transfer to?</p> <p>20 A. An opening came available at the</p> <p>21 Mercer barracks. I voluntarily requested to be</p> <p>22 transferred to Mercer.</p> <p>23 Q. That was an opening for a station</p> <p>24 commander?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 26</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 lieutenant in Troop M?</p> <p>3 A. From May of 1990 until I believe it</p> <p>4 was February of 1992.</p> <p>5 Q. Did you transfer at that time?</p> <p>6 A. Yes.</p> <p>7 Q. Was that a voluntary transfer?</p> <p>8 A. Yes.</p> <p>9 Q. Where did you transfer to?</p> <p>10 A. Troop D, Butler at the New Castle</p> <p>11 station.</p> <p>12 Q. What was your assignment there?</p> <p>13 A. Station commander.</p> <p>14 Q. As station commander, would you have</p> <p>15 responsibility for all three sections --</p> <p>16 A. Correct.</p> <p>17 Q. -- at the station?</p> <p>18 MR. SANDERS: Say "correct"</p> <p>19 again because you didn't wait until the end of</p> <p>20 the question.</p> <p>21 THE WITNESS: Correct.</p> <p>22 MR. SANDERS: Thank you.</p> <p>23 Better to have two yeses than one.</p> <p>24 Q. Who was your immediate supervisor</p> <p>25 when you were station commander in New Castle?</p>	<p style="text-align: right;">Page 28</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Q. So you assumed the duties of station</p> <p>3 commander at the Mercer station?</p> <p>4 A. Yes, in March or April of 1993.</p> <p>5 Q. Was Captain Seilhamer still your</p> <p>6 supervisor as you were the station commander at</p> <p>7 Mercer?</p> <p>8 A. Yes.</p> <p>9 Q. How long did you hold that position?</p> <p>10 A. Until I was transferred September 11</p> <p>11 of 2000.</p> <p>12 Q. Where were you transferred to?</p> <p>13 A. Troop D, Butler headquarters.</p> <p>14 Q. You did not request this transfer?</p> <p>15 A. Did not.</p> <p>16 Q. What was the assignment you had at</p> <p>17 Troop D, Butler headquarters?</p> <p>18 A. Something called the special</p> <p>19 projects officer.</p> <p>20 Q. Were you connected to any of the</p> <p>21 three sections you had identified earlier?</p> <p>22 A. No.</p> <p>23 Q. Were you still immediately</p> <p>24 supervised by Captain Seilhamer in this</p> <p>25 position?</p>

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1 B. Williams - by Mr. Bradley
2 A. No. At that time, I was supervised
3 by Captain Sidney Simon.
4 Q. Did Captain Simon at some point
5 become the troop commander at Troop D?
6 A. Yes. I believe it was sometime
7 around either February or March of 1999.
8 Q. He took Captain Seilhamer's
9 position?
10 A. Correct. Captain Seilhamer made
11 major and moved his office upstairs. Simon was
12 made captain.
13 Q. After Captain Seilhamer was promoted
14 to major, do you know what his assignment was?
15 A. He was an Area 4 commander. He
16 simply moved up upstairs.
17 Q. Would Area 4 be compromised of
18 several different troops?
19 A. Yes.
20 Q. That would include Troop D?
21 A. D, E, and C.
22 Q. Is that Butler, Erie, and --
23 A. Punxatawney.
24 Q. Punxatawney. How long did you serve
25 as a special projects officer at Troop D,

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1 B. Williams - by Mr. Bradley
2 Butler headquarters?
3 A. Until such time the state police
4 punished me again and transferred me to Erie,
5 roughly five-and-a-half months from
6 September 11, 2000 until January 20, 2001.
7 Q. On January 20, 2000 you were
8 transferred to Troop B, Erie?
9 A. Correct.
10 Q. What was your assignment there?
11 A. Staff lieutenant.
12 Q. Was this a voluntary transfer?
13 A. No.
14 Q. As I understand, you remained staff
15 lieutenant at Troop B in Erie?
16 A. Correct.
17 Q. When you first transferred to Troop
18 B, Captain Conley was your immediate
19 supervisor?
20 A. Yes. Are you talking about in 2001?
21 Q. In 2001.
22 A. Yes.
23 Q. He has since retired; is that
24 correct?
25 A. Correct. He turned age 60 and was

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1 B. Williams - by Mr. Bradley
2 forced to retire.
3 Q. Who replaced him as the captain?
4 A. Captain Michael Hample.
5 Q. Do you know the spelling of his last
6 name?
7 A. H-A-M-P-L-E. Michael J. Hample.
8 Q. Are you currently supervised by
9 Captain Hample?
10 A. Correct.
11 Q. At the time you were station
12 commander at New Castle and Mercer, can you
13 describe your relationship with
14 Captain Seilhamer?
15 A. At New Castle, the relationship was
16 a commander/subordinate relationship. Can you
17 rephrase the question?
18 Q. Were you able to get along with
19 Captain Seilhamer is what I'm asking basically?
20 Did you have any problems with him?
21 A. For the most part in New Castle,
22 yes, we got along.
23 Q. Did you have any problems with
24 Captain Seilhamer?
25 A. None that I recall at this time at

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1 B. Williams - by Mr. Bradley
2 the New Castle station.
3 Q. How about at the Mercer station?
4 A. At the Mercer station, I had a very
5 rocky relationship with Major Seilhamer because
6 of the actions he took towards me. The
7 relationship between him and I seemed to change
8 once I got to Mercer.
9 Q. This would have been while he was
10 still a captain and still your immediate
11 supervisor?
12 A. Correct.
13 Q. Can you pinpoint the genesis of that
14 disruption in your relationship?
15 A. For an unknown reason to me,
16 starting in 1993, he started taking some of
17 what I have described as discrimination actions
18 against me while at Mercer station.
19 Q. Discriminatory in what manner?
20 A. He started punishing me for no
21 reason. For no reason at all, he transferred
22 me, the same as he and Captain Simon did in
23 2000. He transferred me on some trumped-up
24 charges. It's my opinion that he was behind
25 the trumped-up charges. At least he knew the

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<p style="text-align: right;">Page 33</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 charges against me or the complaints against me</p> <p>3 were trumped-up and had no basis. He gave</p> <p>4 credence to them.</p> <p>5 Q. Would this have been the transfer in</p> <p>6 2000 you're speaking of?</p> <p>7 A. No. I'm talking about the transfer</p> <p>8 in 1994. Captain Seilhamer transferred me to</p> <p>9 Butler in 1994 for three months allegedly to be</p> <p>10 the acting crime lieutenant since the crime</p> <p>11 lieutenant was going away for three months to</p> <p>12 the FBI academy.</p> <p>13 Q. Let me get this straight. In 1994</p> <p>14 you were temporarily transferred to Butler?</p> <p>15 A. Correct.</p> <p>16 Q. You were the crime lieutenant?</p> <p>17 A. That's right. In name only because</p> <p>18 he stripped me of the duties of a crime</p> <p>19 lieutenant. He gave the duties to a white</p> <p>20 sergeant in the state police, and he gave me</p> <p>21 the duty of correcting reports. All the duties</p> <p>22 of the lieutenant went to the sergeant, so I</p> <p>23 was just there correcting reports.</p> <p>24 Q. That was in 1994?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 35</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 of the crime lieutenant and did not assign me</p> <p>3 to a murder investigation which denied me</p> <p>4 approximately 200 to 300 hours of overtime.</p> <p>5 When the grievance went to</p> <p>6 arbitration, I won on the grievance as far as I</p> <p>7 asked for overtime pay for 100 hours of the</p> <p>8 actual drive time from Mercer to Butler, but I</p> <p>9 lost on the other part of it.</p> <p>10 Q. The only part you won was that they</p> <p>11 agreed to provide you compensation for the</p> <p>12 extra travel time?</p> <p>13 A. Correct.</p> <p>14 Q. All other things you had grieved,</p> <p>15 you didn't prevail on?</p> <p>16 A. Correct.</p> <p>17 Q. I believe you had indicated earlier</p> <p>18 that you believe that then-Captain Seilhamer</p> <p>19 was acting in a discriminatory manner to you.</p> <p>20 You talked about some actions that were taken.</p> <p>21 I want to get back to your</p> <p>22 characterization of his acts as discriminatory.</p> <p>23 Again, I want to ask you in what manner did you</p> <p>24 believe they were discriminatory?</p> <p>25 MR. SANDERS: Other than what</p>
<p style="text-align: right;">Page 34</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Q. You indicate that that was an</p> <p>3 involuntary transfer?</p> <p>4 A. Correct. I filed a grievance.</p> <p>5 Q. You were eventually returned to your</p> <p>6 position as station commander in Mercer after</p> <p>7 that?</p> <p>8 A. Yes, I was.</p> <p>9 Q. That was when?</p> <p>10 A. 1994.</p> <p>11 Q. Your return was based on the return</p> <p>12 of the crime lieutenant to that station?</p> <p>13 A. That and the fact I filed a</p> <p>14 grievance. It had been told to me that the</p> <p>15 intention of the transfer was that I was to</p> <p>16 remain in Butler. I was convinced that had I</p> <p>17 not filed a grievance, I was going to remain</p> <p>18 transferred to Butler because the crime</p> <p>19 lieutenant made it well known that he wanted</p> <p>20 Mercer station.</p> <p>21 Q. Did you prevail on that grievance?</p> <p>22 A. Yes. Partially I did and partially</p> <p>23 I didn't. I filed two grievances. I filed a</p> <p>24 grievance for the transfer. Then the fact that</p> <p>25 once I was there, he stripped me of the duties</p>	<p style="text-align: right;">Page 36</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 you have already told us. Is there anything</p> <p>3 more to it other than what you already told him</p> <p>4 about the white sergeant?</p> <p>5 THE WITNESS: Let me think for</p> <p>6 a second.</p> <p>7 A. Captain Seilhamer routinely punished</p> <p>8 me for false complaints lodged against me that</p> <p>9 he knew were false. They were lodged against</p> <p>10 me by members --</p> <p>11 MR. SANDERS: Do you know that</p> <p>12 you're talking now about the 1994 situation</p> <p>13 he's asking you about?</p> <p>14 THE WITNESS: Correct.</p> <p>15 A. 1994, 1995, 1996, he routinely</p> <p>16 punished me for alleged complaints from members</p> <p>17 of the Mercer station and the FOP out of</p> <p>18 Butler. He knew they were false. He condoned</p> <p>19 the false complaints. In fact, he encouraged</p> <p>20 the false complaints against me.</p> <p>21 When I complained to him about</p> <p>22 members destroying my office, these same</p> <p>23 members were making derogatory comments about</p> <p>24 me, calling me Slappy behind my back, writing</p> <p>25 pictures of me in the dictionary. One that my</p>

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<p style="text-align: right;">Page 37</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 attorney recently gave you today is one</p> <p>3 example, but there were like three or four</p> <p>4 occasions where they -- in the dictionary on</p> <p>5 some of the pages like the negro page, there is</p> <p>6 a diagram of my picture. On the afro page in</p> <p>7 the edition of the dictionary, they drew a</p> <p>8 picture and put glasses and freckles on it and</p> <p>9 said B.R. Williams.</p> <p>10 I had my tires slashed. I had my</p> <p>11 tires flattened with nails at Mercer station.</p> <p>12 I had my office chair totally dismantled. I</p> <p>13 had black ink put on my door, on my office</p> <p>14 door. I had blank ink put on my locker at</p> <p>15 Mercer station. It goes on and on and on. At</p> <p>16 no time did Captain Simon (sic) see fit to put</p> <p>17 a stop to it. In fact, his actions encouraged</p> <p>18 that behavior.</p> <p>19 Q. You indicated that Captain Simon</p> <p>20 (sic) never did anything about the --</p> <p>21 A. I mean Captain Seilhamer.</p> <p>22 Q. Did you mean Seilhamer?</p> <p>23 A. Yes.</p> <p>24 MR. SANDERS: Then captain,</p> <p>25 now major.</p>	<p style="text-align: right;">Page 39</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 MR. SANDERS: And the picture</p> <p>3 in the dictionary that he gave you.</p> <p>4 MR. BRADLEY: And the picture</p> <p>5 and some of the other things. I think some of</p> <p>6 these things came up in Captain Conley's</p> <p>7 deposition.</p> <p>8 BY MR. BRADLEY:</p> <p>9 Q. What I'm asking you is do you have</p> <p>10 any evidence or direct knowledge that this was</p> <p>11 done not because of Billy Williams but because</p> <p>12 Billy Williams was black, if you understand</p> <p>13 that question?</p> <p>14 A. All his adverse actions against me</p> <p>15 were done to me, strictly in my opinion,</p> <p>16 because of my race.</p> <p>17 Q. Okay.</p> <p>18 A. He denied me overtime.</p> <p>19 Q. Again, we're talking about</p> <p>20 Captain Seilhamer at this point?</p> <p>21 A. Correct. Then Captain Seilhamer,</p> <p>22 now he's a major.</p> <p>23 Q. Right.</p> <p>24 A. All his actions clearly were done to</p> <p>25 me because of race. I was giving the same</p>
<p style="text-align: right;">Page 38</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 MR. BRADLEY: Correct.</p> <p>3 Q. Again, you described this series of</p> <p>4 events that occurred, and what you feel was</p> <p>5 Captain Seilhamer's role in these events. I</p> <p>6 again want to focus on your characterization as</p> <p>7 discriminatory. Maybe I can ask it this way.</p> <p>8 I'm assuming when you say it was</p> <p>9 discriminatory, you're saying that it was done</p> <p>10 because you're African-American? Is that</p> <p>11 correct?</p> <p>12 A. That's correct. Actions were done</p> <p>13 against me that were not done towards any other</p> <p>14 white commander in the troop.</p> <p>15 Q. Other than the fact that they were</p> <p>16 done against you as an African-American, do you</p> <p>17 have any evidence that they were motivated by</p> <p>18 your race and not -- if you can separate this</p> <p>19 out in your mind, it was done because of your</p> <p>20 race and not because of who you are?</p> <p>21 MR. SANDERS: Other than what</p> <p>22 he has already told you?</p> <p>23 Q. Other than what you have already</p> <p>24 told me. I understand that you've described</p> <p>25 the series of events.</p>	<p style="text-align: right;">Page 40</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 orders as the white commanders in the troop,</p> <p>3 and he punished me and not them. Clearly it</p> <p>4 was because of my race. His actions against me</p> <p>5 were because of my race.</p> <p>6 Q. As I understand it and since you</p> <p>7 haven't provided me with any other indications</p> <p>8 from Captain Seilhamer other than his actions,</p> <p>9 it's your position that the discriminatory</p> <p>10 nature of his acts are clearly present in the</p> <p>11 acts themselves?</p> <p>12 A. He condoned the acts. He encouraged</p> <p>13 the acts.</p> <p>14 Q. Now we're talking about two separate</p> <p>15 things. When you talk about encouraging and</p> <p>16 condoning the acts, now you're talking about</p> <p>17 things that other people did. Is that correct?</p> <p>18 A. I'm talking about things they did</p> <p>19 with his permission and condoning. He allowed</p> <p>20 it to happen. He had the power to put a stop</p> <p>21 to it, and he did not. He refused.</p> <p>22 MR. SANDERS: What Scott is</p> <p>23 asking you, Lieutenant, is other than what</p> <p>24 you're telling him, I guess, do you have any</p> <p>25 other information to share with Scott going</p>

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<p style="text-align: right;">Page 41</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 back to the 1994 period of time where you</p> <p>3 believe Seilhamer did anything directly himself</p> <p>4 that you witnessed that you feel was racially</p> <p>5 motivated?</p> <p>6 A. Not that I can think of right now.</p> <p>7 I'm sure there are other things. I can't think</p> <p>8 of them right now.</p> <p>9 Q. Just to clarify what I'm trying to</p> <p>10 say, it's your position that just based on the</p> <p>11 actions Captain Seilhamer directed towards you</p> <p>12 and because he didn't direct these same actions</p> <p>13 towards white commanders, that that is the</p> <p>14 basis for your claim of discrimination based on</p> <p>15 race?</p> <p>16 A. That's part of it.</p> <p>17 Q. With respect to Captain Seilhamer,</p> <p>18 what other part is there?</p> <p>19 MR. SANDERS: Just focus now</p> <p>20 on the 1994 period. 1994, 1995 and 1996 period</p> <p>21 Scott is asking you about.</p> <p>22 A. Like I said, he transferred me. He</p> <p>23 would not allow me to run Mercer station</p> <p>24 without direct influence from him. He punished</p> <p>25 me for false complaints again me.</p>	<p style="text-align: right;">Page 43</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Besides the transfer, also there was</p> <p>3 an instance in 1994 where a PCO accused me of</p> <p>4 lying during an arbitration hearing.</p> <p>5 Captain Simon (sic) punished me despite the</p> <p>6 fact --</p> <p>7 MR. SANDERS: Simon or</p> <p>8 Seilhamer?</p> <p>9 THE WITNESS: Seilhamer. I'm</p> <p>10 sorry.</p> <p>11 MR. SANDERS: That's all</p> <p>12 right. That's why I'm here.</p> <p>13 A. Seilhamer punished me while knowing</p> <p>14 that PCO had lied. He still punished me while</p> <p>15 knowing she, in fact, got a five-day</p> <p>16 suspension, and the state police had tried to</p> <p>17 file criminal charges against her for lying.</p> <p>18 Yet, he punished me knowing that she was lying.</p> <p>19 That was grievance No. D-136. The</p> <p>20 grievance No. D-138 that was filed in 1994 was</p> <p>21 the illegal transfer that he transferred me</p> <p>22 down to Butler. I should say through 1994</p> <p>23 whenever a section commander went away to the</p> <p>24 FBI academy or took an extended leave or a</p> <p>25 vacation, they always got replaced with his</p>
<p style="text-align: right;">Page 42</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 He had initiated a policy of what he</p> <p>3 called a "Butler run." It was a little</p> <p>4 punishment that he started up. If anything</p> <p>5 happened at your station that he didn't like,</p> <p>6 he would make you drive down to Butler as a</p> <p>7 form of humiliation. Then he would openly brag</p> <p>8 about it to the troop. He did that on a</p> <p>9 regular basis in my case.</p> <p>10 Q. Did he do that to other troopers or</p> <p>11 officers in Troop D?</p> <p>12 A. I don't know.</p> <p>13 Q. I guess maybe as the final question</p> <p>14 in this area, did Captain Seilhamer -- again at</p> <p>15 this period, 1994, and in that time frame --</p> <p>16 did he ever directly indicate that his actions</p> <p>17 were based on race? Did he ever say it? Did</p> <p>18 he ever put it in writing?</p> <p>19 Did he ever imply it in something he</p> <p>20 said to somebody else that you overheard or</p> <p>21 came back to you through a third party? Do you</p> <p>22 understand the question?</p> <p>23 A. I don't know if he actually ever put</p> <p>24 it in writing or actually said it to anybody.</p> <p>25 Look at his actions. I filed a grievance.</p>	<p style="text-align: right;">Page 44</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 sergeant or corporal.</p> <p>3 When he transferred me in 1994, that</p> <p>4 was the first time since he had been the troop</p> <p>5 commander that he ever did that with a</p> <p>6 lieutenant from another station. Clearly, he</p> <p>7 was acting discriminatory towards me.</p> <p>8 Like I said, once I got there, I had</p> <p>9 to file grievance No. D-140 because he stripped</p> <p>10 me of the power. I was there as a crime</p> <p>11 lieutenant in name only. I had no power. In</p> <p>12 fact, he ordered me that I could not issue any</p> <p>13 orders while I was there.</p> <p>14 MR. SANDERS: Scott is asking</p> <p>15 you, is that in writing? Is that a document,</p> <p>16 the order?</p> <p>17 THE WITNESS: No, that was</p> <p>18 verbal. He told me that verbally.</p> <p>19 Q. What explanation did</p> <p>20 Captain Seilhamer give you for your transfer to</p> <p>21 Butler in 1994?</p> <p>22 A. He claimed that he wanted a</p> <p>23 lieutenant to replace Lieutenant Simpson going</p> <p>24 to the FBI academy. He also claimed that he</p> <p>25 had a complaint from a person in the Mercer</p>

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<p style="text-align: right;">Page 45</p> <p>1 B. Williams - by Mr. Bradley 2 station that my orders were not clear. 3 Therefore, he was transferring me to 4 Butler for some alleged administrative help. 5 Like I say, once I got there, I strictly had to 6 correct over 3,000 crime reports from the 7 troop. That was my entire duties. All these 8 other duties mandated by state police 9 regulations of crime lieutenant were stripped 10 of me. He gave those to a white sergeant. 11 MR. SANDERS: Whose name is? 12 THE WITNESS: Sergeant L. 13 Brown. He was the crime section supervisor. 14 Q. Again, from what all you have told 15 me, it's your position that the discriminatory 16 nature -- again, this would be based on your 17 race -- of those acts is reflected in the acts 18 themselves? There is no other evidence of 19 discrimination on the part of Captain Seilhamer 20 in these decisions? 21 A. None I can think of right now. I'm 22 sure there are other ones, but I can't think of 23 them right now. 24 Q. When you say "other ones," you're 25 referring to other incidents that may support</p>	<p style="text-align: right;">Page 47</p> <p>1 B. Williams - by Mr. Bradley 2 meant that it was a problem, or do you believe 3 he meant it in a racially motivated way? 4 A. The time I first heard it, I thought 5 it was racially motivated. For no reason out 6 of the blue he started calling Mercer a black 7 hole. To this day I don't understand why he 8 started calling Mercer station a black hole 9 except for the fact that I was there. 10 It made no sense to me because 11 Mercer station was running just like every 12 other station in the troop. In fact, it ran a 13 lot better and a lot smoother than a lot of the 14 other stations in the troop. He designated 15 Mercer station to be the black hole of the 16 troop. 17 Q. Do you understand that there have 18 been others that have different opinions about 19 how Mercer station was running at that time? 20 A. That may be. 21 MR. SANDERS: Can we take a 22 short break? 23 MR. BRADLEY: Sure. 24 (Short recess taken.) 25 Q. Just one question before we get to</p>
<p style="text-align: right;">Page 46</p> <p>1 B. Williams - by Mr. Bradley 2 your contention that these acts were 3 discriminatory; is that correct? 4 A. Yes. 5 Q. But there would be no statements or 6 writings or other third-hand comments from 7 Captain Seilhamer of a racial nature? 8 A. There may be, but I can't think of 9 them right now. 10 Q. If Seilhamer had ever directly or in 11 writing or that you had heard from a third 12 party said something about your race, would you 13 have recalled that? 14 A. I know he started calling Mercer a 15 black hole once I was there. Around 1998, he 16 started making comments about calling Mercer 17 station a black hole. 18 Q. Had have you ever heard the term 19 "black hole" before? 20 A. Yes, in high school. 21 Q. In what context did you hear it? 22 A. A black hole is like in the universe 23 where stuff gets sucked into the black hole. 24 Q. Do you feel that when 25 Captain Seilhamer used the term "black hole" he</p>	<p style="text-align: right;">Page 48</p> <p>1 B. Williams - by Mr. Bradley 2 the exhibit. Other than Captain Seilhamer's 3 reference to the Mercer station as being a 4 black hole, do you recall him making any other 5 racial comments or comments that you would 6 construe as racial either orally, in writing, 7 or that you heard from a third party? 8 A. I can't recall at this time racial 9 comments, but I do recall that I was told on 10 one or two occasions back then that after I 11 filed those grievances that I better watch my 12 back, and that he was making statements that at 13 some point in the future that he would take 14 care of me. 15 Q. With respect to the term "black 16 hole," did Captain Seilhamer ever use that in 17 your presence? 18 A. Yes. He used it at a troop 19 conference. 20 Q. So that would have been in a room 21 full of state police officers? 22 A. Correct. Lieutenants, sergeants, 23 and corporals. 24 MR. SANDERS: Just to put this 25 on the record, I think the witness mentioned a</p>

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1 B. Williams - by Mr. Bradley
2 term gabby (sic) or something. Did you ever
3 attribute that to --
4 MR. CAMPBELL: Slappy.
5 MR. SANDERS: Slappy. Did you
6 ever attribute that to Seilhamer?
7 THE WITNESS: No. That came
8 from a person out of Mercer station.
9 BY MR. BRADLEY:
10 Q. So you said you heard
11 Captain Seilhamer use the term "black hole" in
12 front of a troop conference?
13 A. At a troop conference, correct. He
14 was talking about Mercer station. I forget
15 what context he was using it in. It was used
16 in a negative term. I do remember that, in a
17 negative kind of way.
18 Q. Negative in terms of the operation
19 of the Mercer station?
20 A. Negative as to the Mercer station
21 entirely. It could not have been about the
22 operation because in my opinion, the operation
23 ran fairly smooth at Mercer.
24 Q. Again, you admitted there were
25 different opinions as to that?

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1 B. Williams - by Mr. Bradley
2 A. I suppose that might have been
3 possible, but in my opinion, it ran smooth.
4 Q. I understand that, but there are
5 others that held a different opinion.
6 A. That could be possible.
7 (Williams Exhibit No. 1 was
8 marked for identification.)
9 Q. I want to direct your attention to
10 Deposition Exhibit No. 1. Do you recognize
11 that document?
12 A. Yes, I do.
13 Q. Can you describe it for the record?
14 A. It looks like a complaint I made to
15 the Pennsylvania Human Relations Commission.
16 Q. When was this complaint made?
17 A. I believe it was signed here
18 April 16, 2001.
19 Q. You recognize this as the complaint
20 you filed with the Pennsylvania Human Relations
21 Commission?
22 A. Correct.
23 Q. If you look at the first page at
24 Paragraph 3-A it says, "Beginning on June 1,
25 1999, and continuing up to and including the

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1 B. Williams - by Mr. Bradley
2 present time, the respondent is subjecting me
3 to a hostile work environment because of my
4 race, African-American." Is that what this
5 says?
6 A. Correct.
7 Q. In this case, the respondent is the
8 Pennsylvania State Police?
9 A. Correct.
10 Q. Since you signed this Complaint on
11 April 16, 2001, have you filed any other
12 Pennsylvania Human Relations Commission -- and
13 I may at times say PHRC when I refer to the
14 Human Relations Commission -- complaints since
15 you signed this one?
16 A. I signed one against the union.
17 Q. Against the union?
18 A. Correct.
19 Q. As against the state police, have
20 you filed any other PHRC complaints since you
21 filed this one?
22 A. Human Relations complaints?
23 Q. Yes.
24 A. No.
25 Q. How about -- and I don't even know

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1 B. Williams - by Mr. Bradley
2 what the initials stand for -- specifically,
3 are you familiar with the term EEOC?
4 A. Yes.
5 Q. The Equal Employment Opportunity
6 Commission?
7 A. Correct.
8 Q. Have you ever filed, apart from
9 Exhibit No. 1 -- which I understand was
10 cross-filed with the EEOC, as is required by
11 law?
12 A. Right.
13 Q. Since April 16, 2001, have you filed
14 any EEOC complaints other than the one you
15 indicated against the Troopers Association?
16 A. I filed a complaint with the EEOC
17 and the Pennsylvania Human Relations Commission
18 in 2001. The EEOC deferred to Human
19 Relations --
20 MR. SANDERS: He knows that.
21 He is saying after you did that. After, did
22 you do that?
23 THE WITNESS: Afterwards, no.
24 Q. Prior to that, did you file
25 complaints with either the PHRC or the EEOC?

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1 B. Williams - by Mr. Bradley
2 A. EEOC.
3 Q. How many?
4 A. One. I filed one in 1995 against
5 Captain Seilhamer and the state police.
6 Q. That was against the state police?
7 A. Captain Seilhamer and the state
8 police, correct.
9 Q. Did you specifically name
10 Captain Seilhamer at that time?
11 A. Yes, him and the state police are
12 certainly named in the complaint.
13 Q. That was in 1995?
14 A. Correct.
15 Q. Did that address some of the matters
16 we have already talked about this morning that
17 you indicated occurred at the Mercer station in
18 1994?
19 A. 1994, 1995, yes.
20 Q. Would that also have included the
21 transfer to Butler as the crime section
22 lieutenant?
23 A. Yes.
24 Q. Now, I was a little confused in your
25 answer. Was the EEOC filing in 1995 the only

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1 B. Williams - by Mr. Bradley
2 one prior to Exhibit No. 1, or have there been
3 others?
4 MR. SANDERS: Did you
5 understand the question, Lieutenant? Other
6 than this in 1991, and other than the one you
7 just told Scott and Bryan about in 1995, Scott
8 is asking were there any others?
9 THE WITNESS: No.
10 Q. Do you recall what happened to your
11 EEOC complaint in 1995?
12 A. After about a year-and-a-half of
13 complaints, they advised me that they did not
14 find enough evidence to hold my complaint. I
15 forget how they worded it. They gave me a
16 right to sue letter. I decided not to pursue
17 it at that time.
18 Q. Do you recall what year the right to
19 sue letter was issued?
20 A. I believe it was in 1996.
21 Q. As far as you can recall, you
22 filed -- and I'm going to use them as a group,
23 EEOC and PHRC -- you filed the EEOC and PHRC
24 complaint in 1995, and you filed one in 2001
25 with respect to the state police?

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1 B. Williams - by Mr. Bradley
2 A. Correct.
3 Q. To the best of your recollection
4 now, there were no other EEOC/PHRC complaints
5 filed again the Pennsylvania State Police?
6 MR. SANDERS: Yet.
7 A. By me?
8 Q. Yes.
9 A. No.
10 MR. BRADLEY: That's why I
11 said up to today.
12 Q. You have indicated that you also, I
13 believe in 2001, filed a complaint with the
14 Pennsylvania State Troopers Association as a
15 respondent separate from this one?
16 A. I don't believe it was in 2001 that
17 I filed it. I think it was later when I filed
18 it.
19 Q. I should just for the record --
20 would that have been in 2002?
21 A. I believe so.
22 Q. As I indicated in Paragraph 3-A, you
23 used the date of June 1, 1999. Was there any
24 event or occurrence on June 1, 1999 that caused
25 you to select that date?

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1 B. Williams - by Mr. Bradley
2 A. Yes.
3 Q. What was that?
4 A. Major Seilhamer's Uncle Tom,
5 Captain Simon, called me on the morning of
6 June 1 at approximately 8:30 and told me --
7 MR. SANDERS: Let's get it
8 straight. Who called you now?
9 THE WITNESS: Captain Simon.
10 Q. What did you say after you said
11 Captain Simon?
12 A. I called him Uncle Tom.
13 MR. SANDERS: He referred to
14 him as an Uncle Tom.
15 A. He is biracial.
16 Q. He is not your uncle, is he?
17 A. No, he is not.
18 Q. He is not named Tom, is he?
19 A. No, he's not.
20 Q. I'm understanding you to use the
21 term "Uncle Tom" as a derogative term?
22 A. Yes.
23 Q. What does that term mean to you?
24 A. He took action against me --
25 Q. Just outside of this context, in the

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<p style="text-align: right;">Page 57</p> <p>1 B. Williams - by Mr. Bradley 2 outside world, what does that term mean to you? 3 A. He's a black man taking 4 inappropriate actions against another black man 5 on behalf of a white American. 6 Q. You're referring to Captain -- 7 A. Captain Sidney A. Simon. 8 Q. You started to say that 9 Captain Simon made a phone call to you. 10 A. Yes. If I may back up a little bit. 11 Q. Sure. 12 A. Captain Simon had just took over the 13 troop. He got promoted to captain. 14 MR. SANDERS: Slow down. 15 Otherwise, she's (indicating) going to quit. 16 A. He had recently taken over the 17 troop. He got promoted to captain I want to 18 say around February or March of 1999. 19 His first direct contact with me as 20 a station commander for Mercer station was this 21 June 1, 1999 telephone call. He started off 22 with telling me that he wanted me to make the 23 Butler run, come down to Butler as soon as 24 possible. I could take my time, but get there 25 as soon as possible. He wanted to address some</p>	<p style="text-align: right;">Page 59</p> <p>1 B. Williams - by Mr. Bradley 2 times during some training for lieutenants in 3 Harrisburg over the years once or twice. There 4 was no formal introduction or anything like 5 that. I just knew who he was and told him 6 good-bye during the term of the class. 7 Q. You didn't socialize with him? 8 A. Not at all. 9 Q. Prior to that, you had no -- I'm not 10 sure what the word is. He was never your 11 supervisor, and you were never his supervisor 12 prior to him becoming the troop commander at 13 Troop D? 14 A. Correct. 15 Q. When he called you, did he accuse 16 you of doing these things, or did he say there 17 have been some complaints about your actions 18 and I would like to discuss them with you? 19 A. First of all, he used the term 20 "Butler run." That was a term straight from 21 the major that Major Seilhamer had started like 22 I previously stated. Right away, I knew he had 23 a negative connotation to him. The Butler run. 24 I'm thinking, gee, this guy had just got here 25 and is already talking about the Butler run,</p>
<p style="text-align: right;">Page 58</p> <p>1 B. Williams - by Mr. Bradley 2 complaints alleged against me by the union. 3 I proceeded to Butler headquarters. 4 Once I got there, Captain Simon advised me he 5 wanted to talk to me, and that 6 Lieutenant Jungling was going to be taking 7 notes of my answers to these alleged complaints 8 against me. 9 He listed six or seven totally false 10 complaints against me. I answered each one of 11 the totally false complaints. I don't know if 12 you want me to go into detail with the false 13 complaints or not. 14 Q. Let's just back up a minute. I 15 think we might get into those in a minute. 16 Captain Simon was recently promoted to the 17 troop commander for Troop D; is that correct? 18 A. Correct. 19 Q. Where had he been stationed prior to 20 that? 21 A. I don't know him that well. I 22 believe he came from Troop A, Greensburg Troop. 23 Q. Did you have any contact with him 24 before he was the Troop D troop commander? 25 A. Yes. I believe I saw him a couple</p>	<p style="text-align: right;">Page 60</p> <p>1 B. Williams - by Mr. Bradley 2 just taking on the troop. 3 He was clearly meaning by the tone 4 of his voice that he felt that I had done 5 something wrong already. I was coming down to 6 Butler to defend myself. 7 Q. Again, did he use accusatory words, 8 or was it just the tone of his voice that you 9 derived that from? 10 A. I recognized it as both. 11 Q. You're indicating that he did use 12 accusatory language? 13 A. Yes. Something to the effect of -- 14 I can't quote him word for word because of the 15 time frame. It was something to the effect 16 about I needed to explain to him about some 17 complaints the FOP had lodged against me. 18 Q. The Butler run, would that be 19 similar to being called on the carpet? Are you 20 familiar with that term? 21 A. Yes. 22 Q. What does that mean to you? 23 A. That means travel down to Butler and 24 like you say, called on the carpet. 25 Major Simon used to laugh about it. Like, you</p>

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1 B. Williams - by Mr. Bradley
2 know, he used that as a punishment weapon, you
3 know.
4 Q. Basically, that meant that you had
5 to get in your car, drive down, and go explain
6 yourself to him?
7 A. Correct.
8 Q. Did you feel that there is some
9 racial connotation to the term "Butler run"?
10 A. Not necessarily.
11 Q. Now, you've indicated that
12 Captain Simon wanted to discuss some complaints
13 he had received?
14 A. Correct.
15 Q. Did he indicate to you where the
16 complaints came from?
17 A. Yes, FOP, Lodge 54.
18 Q. Let's take it again. Out of your
19 specific dealings with Captain Simon in June of
20 1999, can you explain to me within the state
21 police what the process is if a trooper or a
22 noncommissioned officer has a problem with a
23 supervisor? I understand that there is --
24 A. He can --
25 Q. Let me just finish the question. I

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1 B. Williams - by Mr. Bradley
2 understand that there are sort of two things at
3 play here. There is a paramilitary chain of
4 command within the state police, but also there
5 is a labor union representing the troopers.
6 Maybe we can get clarification on that.
7 Where is the division within the
8 state police between union and nonunion and
9 union and management? Is it just the troopers
10 or is it the troopers and the noncommissioned
11 officers?
12 A. Everyone on state police is a member
13 of the union, bargaining union for the entire
14 state police.
15 Q. Are all troopers in the same union?
16 A. Yes, commissioners, the troopers on
17 the road to the lieutenants, captains, the
18 major, are all in the same bargaining union.
19 They bargain for all of us.
20 Q. If you can then address in terms of
21 complaints from troopers or noncommissioned
22 officers about their superiors -- and I don't
23 know if it's the same or different -- how would
24 those complaints be processed given the chain
25 of command in the state police and given the

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1 B. Williams - by Mr. Bradley
2 fact that they're all members of the same
3 bargaining unit?
4 A. They have a right to sit down with
5 the commander and discuss the issue with the
6 commander as far as the chain of command; or
7 they have a right to, if the commander is
8 taking some inappropriate action or an unlawful
9 order given, they have a right to go to the
10 commander's supervisor, the next person above
11 the commander.
12 Also, they can take it up with the
13 union. It's like a dual track if they want to
14 proceed that way, one or the other. They could
15 take it up with their station FOP rep or the
16 FOP president out of Butler.
17 Q. I think what you said is they can
18 either take it up through their chain of
19 command, and there are ways to bypass their
20 immediate supervisor if they feel that there
21 has been an unlawful order given?
22 A. Correct.
23 Q. Or they could take it up through
24 their FOP, through the bargaining unit?
25 A. Correct.

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1 B. Williams - by Mr. Bradley
2 Q. With respect to the seven
3 complaints -- I believe that's the number you
4 used, seven complaints --
5 A. Six or seven.
6 Q. -- that Captain Simon identified to
7 you, had any of those matters ever been brought
8 up to you through the chain of command?
9 A. No.
10 Q. Apparently, they were then brought
11 up through the bargaining unit; is that
12 correct?
13 A. FOP Lodge 54 out of Butler.
14 Q. Let's discuss how that process would
15 work. The trooper or troopers would make a
16 complaint to the local president or local
17 steward; is that correct?
18 A. Station representative.
19 Q. Station representative. What would
20 be the obligation of the station representative
21 to do at that point?
22 A. I guess they would discuss it among
23 themselves. If they thought it was appropriate
24 or not, they would take it up with the troop
25 commander.

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<p style="text-align: right;">Page 65</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Q. Does that appear to be what happened</p> <p>3 in this case?</p> <p>4 A. Yes.</p> <p>5 Q. At least to the point we get to</p> <p>6 where Captain Simon was preparing to make the</p> <p>7 phone call to you, the complaints came to</p> <p>8 Captain Simon in an ordinary manner?</p> <p>9 MR. SANDERS: If you know.</p> <p>10 A. I don't know how it got to him.</p> <p>11 Q. If we assume that complaints were</p> <p>12 made to the station in the process you</p> <p>13 described it, if we assume that troopers at</p> <p>14 Mercer station made complaints to their station</p> <p>15 representative, and the station representative</p> <p>16 went to the troop commander, that would be in</p> <p>17 the ordinary course as far as you know? Is</p> <p>18 that correct?</p> <p>19 A. In this instance, I don't know.</p> <p>20 Prior to the complaint, it had something to do</p> <p>21 with Butler and Mercer, so I don't know how the</p> <p>22 mixture got into the captain.</p> <p>23 Q. Let's move on to the complaints</p> <p>24 themselves. To the best of your recollection,</p> <p>25 can you recall what those seven issues were?</p>	<p style="text-align: right;">Page 67</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 responded. Right away I'm thinking I'm on</p> <p>3 trial. He started with a question that I was</p> <p>4 allowing deputies to patrol the interstate</p> <p>5 highways. I promptly pointed out to</p> <p>6 Captain Simon that that was false. I pointed</p> <p>7 out to him the state law.</p> <p>8 The state law under Vehicle Code</p> <p>9 Section 6109 -- I pointed out to Captain Simon</p> <p>10 and Lieutenant Jungling that state police have</p> <p>11 no authority to have a deputy sheriff patrol</p> <p>12 the highways. Under Pennsylvania law, the only</p> <p>13 authority the state police have was any police</p> <p>14 department that was doing speed enforcement on</p> <p>15 that highway needs permission on a limited</p> <p>16 access highway, an interstate highway or any</p> <p>17 limited highway, you needed permission from the</p> <p>18 state police for state law. It did not need</p> <p>19 any permission to patrol the highways. The</p> <p>20 deputy sheriffs weren't officers.</p> <p>21 He acted like he was surprised. In</p> <p>22 fact, he had to go get a copy of the state law.</p> <p>23 He looked up the Vehicle Code and found out I</p> <p>24 was correct.</p> <p>25 On the other one, the overtime with</p>
<p style="text-align: right;">Page 66</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. They were all false issues.</p> <p>3 MR. SANDERS: Just tell him</p> <p>4 what they were.</p> <p>5 A. The one issue was I allowed deputy</p> <p>6 sheriffs to patrol the interstate highways.</p> <p>7 Another issue was that I ordered my troopers,</p> <p>8 subordinate officers, to serve PFA orders. The</p> <p>9 one was that I denied overtime for a Trooper</p> <p>10 Shriver for a car crash incident. That was in</p> <p>11 joint with Butler and Mercer.</p> <p>12 Another one was I was not getting</p> <p>13 into my uniform or that I was late getting into</p> <p>14 my uniform on a couple of occasions. There</p> <p>15 were two or three others. I can't think of</p> <p>16 them right now.</p> <p>17 Q. Describe what happened then during</p> <p>18 your meeting with Captain Simon.</p> <p>19 A. As I said, as soon as I walked in</p> <p>20 his office, he advised me that</p> <p>21 Lieutenant Jungling would be taking notes.</p> <p>22 Lieutenant Jungling had this big pad out with</p> <p>23 an ink pen.</p> <p>24 He made me aware they were going to</p> <p>25 take down every single word I said or</p>	<p style="text-align: right;">Page 68</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Trooper Shriver, again, I told him he had bad</p> <p>3 information. I had given approval for overtime</p> <p>4 for Trooper Shriver. I had given him, I</p> <p>5 believe, an hour-and-a-half of double time and</p> <p>6 two-and-a-half of regular time-and-a-half for</p> <p>7 an accident.</p> <p>8 What had happened was he</p> <p>9 responded -- he was an advanced crash</p> <p>10 investigator, which is why Butler called him</p> <p>11 out for a crash that happened where a local PD</p> <p>12 was chasing a vehicle. The vehicle crashed</p> <p>13 into the civilians. There was a big crash.</p> <p>14 The first telephone call to me was I</p> <p>15 was the OD that night. That's how I got</p> <p>16 involved. I was OD that night. I was home in</p> <p>17 Erie when I got that telephone call about 12 at</p> <p>18 night. Harrisburg PD had chased the guy in a</p> <p>19 police chase. He had crashed. It was a major</p> <p>20 crash and a lot of injuries.</p> <p>21 Harrisburg PD then were claiming</p> <p>22 that they really weren't chasing the guy, it</p> <p>23 was just an accident. They requested, through</p> <p>24 Butler, for an investigator from the state</p> <p>25 police to come out and investigate the crash</p>

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<p style="text-align: right;">Page 69</p> <p>1 B. Williams - by Mr. Bradley 2 because of the involvement of their officer. 3 Based on that initial -- they 4 already called out Trooper Shriver and then 5 they called me like in the afterthought to tell 6 me they had called Trooper Shriver out. 7 I said, okay, no problem. I called 8 back to get an update about an hour-and-a-half 9 later. I found out they had called him out and 10 he should not have been called out. There was 11 a troop order, I think it was Troop Order 12 No. 9910, which specifically laid out the 13 circumstances where state police and the 14 advanced crash investigators could be called 15 out. This accident did not fit that criteria. 16 So at that point, I told the 17 corporal in Butler that since Shriver had been 18 there already and the overtime he accumulated 19 up to that point, that I expected him to secure 20 from the scene within two hours and return back 21 to his station. If they needed him beyond 22 that, he was due to work at 8 a.m. the next 23 day, he could come out then if they needed him 24 any further. 25 The allegation was that I denied him</p>	<p style="text-align: right;">Page 71</p> <p>1 B. Williams - by Mr. Bradley 2 face that you felt was the racial component to 3 this. There was nothing within the complaints 4 themselves or anything surrounding the issues 5 regarding the complaints that had a racial 6 component? 7 A. I don't know. Like I say, I felt 8 like the whole thing was racial; changing 9 uniforms late. I thought it was all clearly 10 racially motivated. Because of past history, I 11 had a long past history with the union. 12 Also the fact that on numerous 13 occasions I had to ask the union to stop making 14 these false complaints against me, these 15 discriminatory false complaints. I even sent 16 the union a letter on one or two occasions. 17 Q. Other than the fact that you believe 18 that it was racially motivated based on your 19 history with -- I guess at that point it would 20 have been Major Seilhamer and other things 21 going on with the union, was there anything 22 about this had this not occurred in that 23 context -- and I don't know if you can separate 24 it out in you mind -- but was there any racial 25 aspect to this directly?</p>
<p style="text-align: right;">Page 70</p> <p>1 B. Williams - by Mr. Bradley 2 overtime. I explained to the captain, and I 3 proved about the hour-and-a-half of double time 4 and I believe two-and-a-half hours of regular 5 time even though the call-out was not 6 justified. 7 Q. Let's step back a bit. You talked 8 about the seven complaints that Captain Simon 9 raised with you. Was there anything within 10 these issues themselves that you felt there was 11 some racial component to, or were they just 12 questioning the way you were handling your 13 operation of Mercer? 14 A. I'm really thinking at the time that 15 these complaints were because of past history 16 with the union and the state place and 17 Major Seilhamer. It was racially motivated. 18 On the face of the complaints, they 19 were clearly or any sane person that knows 20 state police rules and regulations knew that on 21 the face they were false complaints. They were 22 totally false from day one. 23 Q. It was more the action of being 24 called in to defend these things that you felt 25 were clearly defensible and defensible on their</p>	<p style="text-align: right;">Page 72</p> <p>1 B. Williams - by Mr. Bradley 2 Again, sort of what I was asking you 3 with regard to Captain Seilhamer's actions back 4 in the early 1990s. Was there anything that 5 was said or that was done or that was written 6 or that came back to you from a third party 7 that you felt was evidence of some racial 8 motivation other than the fact of it happening? 9 A. One thing I can say to the fact that 10 Captain Simon came down for the Butler run is 11 once I got there, how I was treated, and the 12 type of questions he was asking me, it was 13 clear the whole thing to me was racially 14 motivated. 15 Q. When you say how you were treated, 16 are you referring to the fact that there was 17 somebody present to record what was being said 18 at the meeting? 19 A. That plus his tone. Here is a new 20 troop commander who just took over the troop 21 and didn't know me except to say hi and bye 22 over the years. It was with his very 23 accusatory, negative like who are you and 24 almost like he was some supreme court justice 25 or something, that I'm responding to this</p>

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<p style="text-align: right;">Page 73</p> <p>1 B. Williams - by Mr. Bradley 2 supreme person on high. Explain this to me, 3 why you did this, you know, and on and on and 4 on. 5 If I could backtrack a little bit. 6 The complaint about serving PFAs, that had came 7 up in discussion with me and the union like a 8 year-and-a-half before. What had happened was 9 the judge in Mercer County issued all police 10 departments, that they would have to help serve 11 the PFAs. If they didn't serve them or pick up 12 violators of any court orders, that he would 13 arrest the commanders. 14 I sent that through the chain of 15 command and got them signed and got opinions 16 from our legal counsel to comply with the court 17 order or you go to jail on your own. Every 18 member at Mercer station was aware of that. In 19 fact, it was a joke about -- well, I'm assuming 20 it was a joke. I first heard it, it was a 21 joke, but later on it came back that maybe the 22 guy was serious. 23 It was let's not comply and let 24 Lieutenant Williams go to jail when the judge 25 gave this big speech for violating the order.</p>	<p style="text-align: right;">Page 75</p> <p>1 B. Williams - by Mr. Bradley 2 Butler, who informed you that you were being 3 transferred? 4 A. Captain Simon, on September 6, he 5 sent me an E-mail. 6 MR. SANDERS: Give us the 7 year. 8 THE WITNESS: September 6, 9 2000. 10 A. I was at a police chief meeting at 11 the Mercer County Police Chiefs Association. 12 As soon as I got back to the station, I was 13 advised by the station personnel that 14 Captain Simon called and Captain Simon told 15 them that he had sent an E-mail that I needed 16 to address right away. 17 I tried calling him. He was not in 18 the office. I read the E-mail. The E-mail 19 said, "Bill" -- that was another thing. He 20 never called me by my rank. In the state 21 police, you're supposed to call the commanders 22 like Lieutenant Williams. He always from day 23 one called me Bill as opposed to the white 24 lieutenants. He called them by their name and 25 rank. That was from day one from the first</p>
<p style="text-align: right;">Page 74</p> <p>1 B. Williams - by Mr. Bradley 2 I explained that to Captain Simon. I addressed 3 that issue with the previous commander, 4 Captain Simon, a year-and-a-half before the 5 court order. 6 Everybody was involved in this 7 except for Captain Simon because he was new. 8 Certainly Lieutenant Jungling and the staff 9 with him, he was involved originally, and he 10 sought legal counsel, so he knew. They all 11 knew that before they even called me down there 12 except for maybe Captain Simon. 13 Q. You also refer in your Complaint to 14 involuntary transfers as evidence of a hostile 15 work environment by the state police. I guess 16 since June 19, 1999, we're talking about 17 two transfers; is that correct? 18 A. Correct. 19 Q. That is the transfer from Mercer to 20 Butler as a special projects officer in 2000? 21 A. Correct. 22 Q. And the transfer to Erie as the 23 staff lieutenant in 2001, correct? 24 A. Correct. 25 Q. Starting with the transfer to</p>	<p style="text-align: right;">Page 76</p> <p>1 B. Williams - by Mr. Bradley 2 time he took over the troop. That's another 3 thing I was offended about with him. 4 Anyway, the E-mail said, "As soon as 5 you get back to your station, give me a call." 6 I waited. I called him and got no response. I 7 finally called the desk, and they said he was 8 out to lunch or something. 9 I waited until about 1:30 or 2:00 10 and I got him on the phone. He told me that I 11 was being transferred effective the following 12 Monday, September 11, and for me to pack up my 13 clothes, clean out my office because I was 14 being transferred. 15 I asked him why. He said I believe 16 part of my grievance I filed with -- I can't 17 think of his exact words. Basically, it was, 18 you know I can't tell you why now, but you had 19 problems at Mercer station, and I'm bringing 20 you down here. The commission has created a 21 special slot for you as special projects 22 officer. You will answer to me when you get 23 here. 24 I will give you further details next 25 Monday when you get here. Basically, about a</p>

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<p style="text-align: right;">Page 77</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 ten-minute -- I would not even call it a</p> <p>3 discussion. It was ten minutes of this is</p> <p>4 what's going to happen. Get down here, you're</p> <p>5 transferred.</p> <p>6 Q. At that point he gave you no reason?</p> <p>7 A. None.</p> <p>8 Q. Although he alluded to another</p> <p>9 matter?</p> <p>10 A. I tried asking him if it was related</p> <p>11 to my ongoing internal investigation and so</p> <p>12 forth, and he would not answer.</p> <p>13 Q. That ongoing investigation was --</p> <p>14 A. That was the quota incident.</p> <p>15 Q. The alleged quota incident?</p> <p>16 A. Yes.</p> <p>17 Q. When did the alleged quota incident</p> <p>18 occur?</p> <p>19 A. February 2000.</p> <p>20 Q. At the time of that telephone call,</p> <p>21 the only message you were hearing was that</p> <p>22 because of this quota incident, you were being</p> <p>23 transferred?</p> <p>24 MR. SANDERS: I'm forced to</p> <p>25 put an objection on the record. I don't think</p>	<p style="text-align: right;">Page 79</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. Correct.</p> <p>3 Q. Were you performing duties in that</p> <p>4 role?</p> <p>5 A. The only duty he gave me was I had</p> <p>6 to make up a Troop OD manual for the troop. I</p> <p>7 made the manual up, and then he tossed it out.</p> <p>8 MR. SANDERS: Who is "he"?</p> <p>9 THE WITNESS: Captain Simon.</p> <p>10 A. They never used the manual, never</p> <p>11 implemented the manual.</p> <p>12 MR. SANDERS: What does OD</p> <p>13 stand for?</p> <p>14 THE WITNESS: Off-duty</p> <p>15 officer, officer off duty.</p> <p>16 Q. Now, when you say "tossed out," does</p> <p>17 that mean it was never used or never</p> <p>18 implemented, or do you actually mean you saw</p> <p>19 Captain Simon throw --</p> <p>20 A. They never used --</p> <p>21 MR. SANDERS: Let him finish</p> <p>22 the question. Relax.</p> <p>23 Q. Are you saying that you actually saw</p> <p>24 Captain Simon throw it in the garbage can?</p> <p>25 A. The manual was never implemented in</p>
<p style="text-align: right;">Page 78</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 the lieutenant said that Simon used the term or</p> <p>3 words "quota" investigation.</p> <p>4 MR. BRADLEY: I will withdraw</p> <p>5 the question.</p> <p>6 Q. In your mind, why did you think you</p> <p>7 were being transferred in 2000?</p> <p>8 A. In my mind, I think I was being</p> <p>9 transferred because of Major Seilhamer's</p> <p>10 continuation of the events from 1993, 1994,</p> <p>11 1995, 1996, 1997 with Major Seilhamer, and</p> <p>12 because Captain Simon was acting as a puppet</p> <p>13 for Major Seilhamer.</p> <p>14 Q. Were there any statements,</p> <p>15 documents, or remarks by third parties, or</p> <p>16 comments by others that you ever heard to</p> <p>17 support your feeling? We're now talking about</p> <p>18 September of 2000.</p> <p>19 A. I don't know.</p> <p>20 Q. You're not aware of any?</p> <p>21 A. I can't think of any at this time.</p> <p>22 Q. You indicated that you were at the</p> <p>23 Butler station for approximately</p> <p>24 five-and-a-half months as the special projects</p> <p>25 officer?</p>	<p style="text-align: right;">Page 80</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Troop D, and I was made aware of it. I can't</p> <p>3 think of who it was. I was made aware that the</p> <p>4 manual that I put together was tossed out.</p> <p>5 Q. What do you mean by "tossed out"?</p> <p>6 A. In the trash can.</p> <p>7 Q. Other than the OD manual, did you</p> <p>8 have any other assignments as special projects</p> <p>9 officer?</p> <p>10 A. None.</p> <p>11 Q. It was from there you had</p> <p>12 transferred to the staff lieutenant position</p> <p>13 the Erie?</p> <p>14 A. Yes. They gave me a disciplinary</p> <p>15 transfer to Erie in January. I was advised on</p> <p>16 January 9, 2001 that I was being transferred</p> <p>17 effective January 20, 2001 to Troop E, Erie. I</p> <p>18 filed a grievance.</p> <p>19 Q. This was a disciplinary transfer?</p> <p>20 A. Correct, along with a ten-day</p> <p>21 suspension.</p> <p>22 Q. That was related to the quota</p> <p>23 investigation?</p> <p>24 A. Correct.</p> <p>25 Q. Just from a chronological</p>

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<p style="text-align: right;">Page 81</p> <p>1 B. Williams - by Mr. Bradley 2 standpoint, there was a finding that you had 3 imposed a quota at the Mercer station. As a 4 result, you were ordered to be suspended for 5 ten days and transferred to Erie; is that 6 correct? 7 A. No. Are you saying there is a 8 finding? A finding by who? I guess I don't 9 understand the question. 10 Q. I'm saying that at some point -- I'm 11 not talking about how it ended up at the end, 12 but at some point, there was a determination 13 made that you had imposed a quota at Mercer 14 station. 15 MR. SANDERS: Just so you 16 understand -- because you're not using the word 17 "accusation." You're using "determination." 18 He's thinking you're asking about the final 19 arbitrator's decision. 20 Q. What I'm asking about is the basis 21 for your disciplinary transfer. I assume that 22 before you can be disciplined, there has to be 23 a finding. Is that not a correct assumption? 24 A. Correct. 25 Q. That is correct?</p>	<p style="text-align: right;">Page 83</p> <p>1 B. Williams - by Mr. Bradley 2 transferred to Erie? 3 A. Correct. 4 Q. At that time, were you suspended at 5 any point? 6 A. Yes, for about 45 minutes on 7 February 20. 8 MR. SANDERS: Of what year? 9 THE WITNESS: 2001. 10 Q. Would that be part of the ten days? 11 A. Yes. 12 Q. That was the time it took you to 13 file the grievance? 14 A. No. I had already filed the 15 grievance. I filed the grievance back in 16 January, I think January -- I can't think of 17 the date. 18 MR. SANDERS: 2001. 19 A. 2001. 20 Q. Maybe this would be a better way to 21 do it since you're more familiar with this 22 process than I am. Captain Simon made a 23 finding that you had imposed a quota at Mercer 24 station. He made that recommendation up the 25 line. Then an order was sent out suspending</p>
<p style="text-align: right;">Page 82</p> <p>1 B. Williams - by Mr. Bradley 2 A. Correct. Captain Simon advised 3 me -- I believe it was on September 20 or 4 September 15, that he -- 5 MR. SANDERS: Of 2000? 6 A. 2000, that he determined that I had 7 set some kind of quota at Mercer station, which 8 I clearly denied. 9 Q. I understand that. Again, I'm only 10 talking chronologically now. I'm not talking 11 about who was right or who was wrong. 12 Chronologically, there was a finding 13 that you had imposed a quota at Mercer. As a 14 result of that, you were ordered to be 15 suspended for ten days and ordered to be 16 transferred to Erie; is that correct? 17 A. Yes. 18 Q. As I understand it, you did file a 19 grievance. 20 A. Correct. 21 Q. As a result of that grievance, the 22 suspension was lifted? 23 A. It was put on hold. 24 Q. It was put on hold. Now, as a 25 result of the finding, you were actually</p>	<p style="text-align: right;">Page 84</p> <p>1 B. Williams - by Mr. Bradley 2 you ten days and transferring you to Erie? 3 A. Correct. He made that through 4 Major Seilhamer up through the chain of command 5 up to Captain Titler, the disciplinary officer. 6 Q. Can I have the spelling of that? 7 A. Barry Titler, T-I-T-L-E-R. He 8 rendered his decision, I believe, I received it 9 on January 9, 2001. I think it was dated 10 January 4, 2001, but I received it on 11 January 9, 2001. 12 Q. That is Captain Titler's decision? 13 A. Correct. 14 Q. That's the discipline that we're 15 talking about? 16 A. Correct. 17 Q. The ten-day suspension and the 18 transfer to Erie? 19 A. Yes. 20 Q. Once you received that disciplinary 21 sanction, what happened next? 22 A. I filed a grievance, which should 23 have blocked the transfer and the ten-day 24 suspension, but it didn't. They transferred me 25 anyway.</p>

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<p style="text-align: right;">Page 85</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Q. The suspension was blocked?</p> <p>3 A. All but 45 minutes of it.</p> <p>4 Q. Was that 45 minutes on the front end</p> <p>5 or the back end, if you understand the</p> <p>6 question?</p> <p>7 A. Let me explain because they didn't</p> <p>8 dock my pay, but if I may explain?</p> <p>9 Q. Sure.</p> <p>10 A. I arrived in the troop on</p> <p>11 January 24. I was transferred on the 20th,</p> <p>12 which was Saturday. I must have reported maybe</p> <p>13 January 22.</p> <p>14 MR. SANDERS: To Erie?</p> <p>15 THE WITNESS: To Erie,</p> <p>16 Troop E, Erie.</p> <p>17 A. Captain Conley advised me that he</p> <p>18 had been advised that I was to serve a ten-day</p> <p>19 suspension along with the transfer. He was</p> <p>20 going on vacation or something. He stated that</p> <p>21 at some point in the next month or two, he</p> <p>22 would actually have me serve the ten-day</p> <p>23 suspension.</p> <p>24 He decided on sometime in February.</p> <p>25 He had the acting troop commander -- Captain</p>	<p style="text-align: right;">Page 87</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 I had filed a grievance not to force me to take</p> <p>3 the ten-day suspension. So that's why I say it</p> <p>4 was for 45 minutes.</p> <p>5 Q. That's the calculation in your own</p> <p>6 mind; is that correct? There is nowhere I</p> <p>7 could look at a state police document and see</p> <p>8 that you served only 45 minutes of the</p> <p>9 suspended sentence?</p> <p>10 A. It lasted exactly 45 minutes because</p> <p>11 I timed it. I was aware of the time. Like I</p> <p>12 say, he reversed it, so there's nothing in</p> <p>13 writing because on paper as far as that day is</p> <p>14 concerned, I worked from eight to four.</p> <p>15 Q. You received pay for that entire</p> <p>16 period?</p> <p>17 A. Correct.</p> <p>18 Q. Let me take a step back.</p> <p>19 Captain Simon made the initial determination</p> <p>20 that you had imposed a quota at Mercer. Did he</p> <p>21 make any recommendation as to punishment?</p> <p>22 A. He recommended that I be punished.</p> <p>23 He does not set the degree of punishment.</p> <p>24 Q. He made a finding and recommended</p> <p>25 that discipline be imposed?</p>
<p style="text-align: right;">Page 86</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Conley was gone on vacation or maybe he was on</p> <p>3 some kind of assignment for the state police,</p> <p>4 but he was gone -- the acting troop commander,</p> <p>5 who was another junior lieutenant to me, came</p> <p>6 to my office --</p> <p>7 MR. SANDERS: Whose name is?</p> <p>8 THE WITNESS: Lieutenant</p> <p>9 Johnson, he was acting lieutenant.</p> <p>10 A. He approached me on the morning of</p> <p>11 February 20. I believe it was Monday or</p> <p>12 Tuesday. Anyway, February 20 he approached me</p> <p>13 and said, hey, you need to start serving your</p> <p>14 ten-day suspension. Give me your badge, give</p> <p>15 me your gun and so forth.</p> <p>16 I then turned in my badge, my gun</p> <p>17 and my ID card. I gave it all to him. I</p> <p>18 prepared to leave the station. I was packing</p> <p>19 my civilian clothing. I called my son to come</p> <p>20 pick me up, you know, to bring my personal car</p> <p>21 to me.</p> <p>22 My son had arrived. I was packing</p> <p>23 my civilian clothes into my car. He approached</p> <p>24 me again, and he said he had double-checked</p> <p>25 with Harrisburg. Harrisburg said that because</p>	<p style="text-align: right;">Page 88</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. Correct.</p> <p>3 Q. Did he make any recommendation as to</p> <p>4 what discipline should be imposed?</p> <p>5 A. He's not allowed.</p> <p>6 Q. Do you know who ultimately made the</p> <p>7 determination of the discipline in the case?</p> <p>8 A. The name on the document was</p> <p>9 Captain Barry Titler, disciplinary officer.</p> <p>10 Q. I believe from your Complaint that</p> <p>11 you're suggesting that this disciplinary</p> <p>12 transfer to Erie was also racially motivated.</p> <p>13 Is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. Do you have any evidence to support</p> <p>16 that contention given the fact that at least</p> <p>17 the paperwork shows that it was based on this</p> <p>18 finding of a quota?</p> <p>19 A. No white lieutenant has ever been</p> <p>20 transferred for that alleged allegation that</p> <p>21 everybody knew was totally false. Everybody</p> <p>22 involved in the process like Simon, Titler, and</p> <p>23 the commissioner. They all knew it was false.</p> <p>24 Q. They have never come forward and</p> <p>25 said it was false, have they?</p>

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<p style="text-align: right;">Page 89</p> <p>1 B. Williams - by Mr. Bradley 2 A. Not to me they haven't. 3 Q. As far as you know, you don't have 4 any evidence to the contrary to show that 5 Captain Simon didn't believe that you had 6 imposed a quota? 7 A. He told a news reporter twice on 8 two occasions, on February 17, 2000 and 9 September 27, 2000, that there was no quota at 10 Mercer station. He told the news reporter, so 11 clearly he knew that there was no quota, but he 12 still punished me. 13 Otherwise, if there was a quota at 14 Mercer Station, why would he tell the news 15 reporter who represented the citizens of 16 Pennsylvania there is no quota, but then he was 17 still punishing me? It made no sense to me. 18 Like I said, he knew there was no quota at 19 Mercer station. 20 Q. Other than those statements, is 21 there any evidence that you have that anything 22 that occurred in this process from 23 Captain Simon's finding up to Captain Titler's 24 discipline order, is there evidence that you 25 have that would reflect a racial motivation?</p>	<p style="text-align: right;">Page 91</p> <p>1 B. Williams - by Mr. Bradley 2 my back. I was aware of another picture of me 3 drawn in one of the dictionaries in 1999. 4 Those are the only two I can think of at this 5 time. That, along with all of the false 6 complaints that were routinely done against me. 7 Q. That picture you referred to, is 8 that the picture you provided today, or is that 9 a similar picture? 10 A. Similar picture. 11 Q. The one you provided today was from 12 1994 or 1995? 13 A. That was in, I believe, 1995 or 1996 14 approximately. 15 Q. You indicate that there was a second 16 drawing. 17 A. I think there were as many as two or 18 three of them between 1995 and 1999 that I saw. 19 Q. I'm talking between 1999 between the 20 time you had your conversation with 21 Captain Simon and he asked you to explain 22 yourself with regard to seven issues from the 23 time of that telephone call until your transfer 24 to Butler? 25 A. I believe there was one instance.</p>
<p style="text-align: right;">Page 90</p> <p>1 B. Williams - by Mr. Bradley 2 MR. SANDERS: Other than what 3 he has already told you, that it went through 4 Seilhamer to get to Titler? Other than that? 5 THE WITNESS: None that I can 6 think of right now. 7 Q. Again, your position is that this is 8 reflective of this past relationship and 9 pattern you've had with Captain Simon and 10 Major Seilhamer? 11 A. Major Seilhamer along with 12 Captain Simon once he took over. 13 Q. You also in the Complaint refer to 14 racist behavior of your subordinates. I know 15 that we have talked about some things that 16 happened at the Mercer station in 1994, 1995 17 and 1996. 18 Since June of 1999, were there any 19 incidents -- and I guess this would be June of 20 1999 up until your transfer to Butler -- at the 21 Mercer station that you would categorize as 22 racist behavior by any of the troopers at the 23 Mercer station? 24 A. I was aware that some of the members 25 would continue to call me Slappy in 1991 behind</p>	<p style="text-align: right;">Page 92</p> <p>1 B. Williams - by Mr. Bradley 2 Q. One instance involving the picture? 3 A. Yes, that I saw. 4 Q. Now, at Butler you didn't have any 5 subordinates in your position as special 6 projects officer, did you? 7 A. Did not. 8 Q. Notwithstanding that, were there any 9 things that occurred in the time period that 10 you were at the Butler headquarters in 2000 11 that you felt were racist behavior directed 12 toward you? 13 A. First of all, they put me in a room, 14 a little tiny office that had a little window 15 in the door like a jail cell. I noticed quite 16 a few people walk the hall, look in the window, 17 and occasionally laugh and make little 18 comments. I was highly offended from it. 19 It was the only office on the second 20 floor at Butler station that had a little 21 window on the door. All the other offices got 22 solid doors, but they stuck me in that room. 23 The room had like jail cell glass in it about 24 like that (indicating). 25 Q. You were holding your hands together</p>

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1 B. Williams - by Mr. Bradley
2 in something approximating a circle?
3 A. Approximately a square foot, about
4 12 inches by 10 foot by 12 inches tall by
5 10 foot (sic) wide.
6 Q. Ten inches?
7 A. 10 to 12 inches. About like that
8 (indicating) in the door.
9 Q. You said ten feet.
10 A. I mean inches. I'm sorry.
11 Q. You indicated that you heard
12 comments and laughing as people --
13 A. Laughing in the hallway --
14 MR. SANDERS: Lieutenant,
15 relax. Drink your water. Let Scott get a word
16 in. Otherwise the poor lawyer here is not
17 going to get a chance to get his full question
18 in. I don't even know how Marlene is doing.
19 We'll see it later.
20 Q. Did you ever hear any of those
21 comments?
22 A. I heard the laughing.
23 Q. You don't know what they were
24 saying?
25 A. No.

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1 B. Williams - by Mr. Bradley
2 Q. Other than that, was there anything
3 that occurred at Butler that you would describe
4 as racist behavior directed toward you?
5 A. I never personally heard the
6 comments, but I was made aware that the joke
7 around Butler was that Lieutenant Williams was
8 upstairs sitting in his jail cell.
9 Q. Again, that's related to the office
10 that you had. Were there any other incidents
11 at Butler that you can recall at this time that
12 you feel was racially directed toward you,
13 racist behavior directed toward you?
14 A. None I can think of right at this
15 time.
16 Q. Did you ever make a request to be
17 moved out of that office?
18 A. Yes, I did.
19 Q. Who did you make that request to?
20 A. Captain Simon and Lieutenant
21 Jungling.
22 Q. What did they say to you?
23 A. No.
24 Q. Did they give you a reason?
25 A. No.

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1 B. Williams - by Mr. Bradley
2 Q. How many times did you request that?
3 A. I submitted a written request for a
4 transfer out to New Castle station once and was
5 denied.
6 Q. I think you answered a different
7 question. The question I'm asking you is did
8 you ever complain about being put in that
9 office that you felt was like a jail cell?
10 A. No.
11 Q. You indicated that you made a
12 request for a transfer to a different station.
13 A. Correct.
14 Q. That was denied?
15 A. Correct.
16 Q. While at Troop E in Erie as the
17 staff lieutenant, I assume that you had
18 subordinates?
19 A. Correct.
20 Q. Was there anything occurring there
21 that you feel was racist behavior by your
22 subordinates at Troop E in Erie?
23 A. My subordinates underneath me, or
24 the subordinates that work at the barracks?
25 Q. Let's start with directly underneath

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2 you.
3 A. No.
4 Q. Now, moving on to the barracks.
5 A. Other subordinates, yes.
6 Q. What form did that take?
7 A. On numerous occasions, personnel at
8 the Erie station refused to salute me on an
9 ongoing basis since day one even though state
10 police regulations require daily saluting of
11 commissioned officers.
12 (Discussion held off the
13 record.)
14 A. That only happened that I noticed
15 towards me and not the other commissioned
16 officers. That's only about five or six people
17 at the Erie station.
18 Q. Are there other African-American
19 officers at the Erie station?
20 A. No.
21 Q. Was Captain Conley saluted when he
22 was at the Erie station?
23 A. Yes.
24 Q. Is Captain Conley African-American?
25 A. Correct.

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<p style="text-align: right;">Page 97</p> <p>1 B. Williams - by Mr. Bradley 2 Q. But there are now no other 3 African-American officers? 4 A. I'm the only lieutenant commissioned 5 officer in the entire troop. 6 Q. Are there any other activities by 7 troopers not under your command that you would 8 characterize as racist behavior directed at 9 you? 10 MR. SANDERS: In Erie. 11 Q. In Erie. 12 A. None I can think of right now. If I 13 may, I just thought of something. The state 14 police had a policy about the chain of command. 15 I noticed that the Erie chain of command is 16 skipped quite a bit when it comes to me by 17 other commissioned officers and by 18 subordinates. 19 Q. Can you give one example of that? 20 A. Yes. Trooper Rogers, he works in 21 drug law in Erie. He was assigned or he worked 22 for drug law out in Harrisburg. He was given 23 an office in the next building that the state 24 police rent next to the state police barracks 25 in Erie. He had an office there.</p>	<p style="text-align: right;">Page 99</p> <p>1 B. Williams - by Mr. Bradley 2 the captain and brought it to the captain's 3 attention. The captain told me that Rogers had 4 gone to him also, and they had given him 5 approval. I advised the captain -- 6 MR. SANDERS: Whose name is? 7 THE WITNESS: Captain Michael 8 Hample. 9 A. -- Captain Hample, that I was 10 concerned about the space and also about the 11 fact that I was concerned about having a dog 12 cage. He brought his dog cage over and stuck 13 it in the staff office. It was a tiny office, 14 so I was kind of offended. 15 He had an office next door, and 16 there is no reason I can think of that he 17 should get out and the staff would give up his 18 office and all that space over there basically 19 because he is too lazy to walk across the 20 alleyway; and also hiding out in the staff 21 section that dog cage. That dog cage is still 22 there to this day in that office. It has been 23 dismantled and folded together, but it's still 24 there. 25 Q. Have you made any complaints to your</p>
<p style="text-align: right;">Page 98</p> <p>1 B. Williams - by Mr. Bradley 2 He didn't like having to walk over 3 to the office. He bypassed me because I had an 4 office under my command which had a trooper in 5 it. My troop communications specialist was in 6 the office. Trooper Rogers had an office next 7 door. He bypassed me and went to the crime 8 lieutenant and asked the crime lieutenant for 9 his permission to give up his office next door 10 and move into the staff office where the troop 11 communications specialist was. 12 He intentionally bypassed me knowing 13 that I was the second commander. The crime 14 lieutenant gave approval to it. When I found 15 out about it and objected to it, he said he 16 sent me an E-mail as to he had done it and had 17 given him permission to move. 18 Q. Let me just stop you there. Who 19 sent you the E-mail? 20 A. Lieutenant Johnson. 21 Q. He's the one that approved 22 Trooper Rogers' request? 23 A. Correct. When I found out about it, 24 I basically went through the roof and told him 25 no, he was not moving there. Then I approached</p>	<p style="text-align: right;">Page 100</p> <p>1 B. Williams - by Mr. Bradley 2 supervisor regarding these incidents where 3 other troopers refused to salute you or where 4 you were skipped in the chain of command? 5 A. I did to Captain Conley about the 6 salute. He addressed the issue. I did not 7 mention it to Captain Hample because 8 Captain Hample had stated in his policy that he 9 does not like saluting, which is against state 10 police rules and regulations, he does not like 11 saluting. So I figure there is no one to go 12 to. 13 Q. With respect to being skipped in the 14 chain of command, you gave the one example. 15 Without going into them, do you feel there are 16 other instances where you had been skipped in 17 the chain of command at Erie? 18 A. It's a daily occurrence now. 19 Q. Have you made complaints to 20 Captain Hample? 21 A. No. That's his management style. 22 When he took over the troop, he basically said 23 that he did not believe in sticking to the 24 chain of command and he preferred not saluting. 25 He just didn't like the idea of saluting every</p>

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<p style="text-align: right;">Page 101</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 day. Based on that, I figured to not mention</p> <p>3 it to him.</p> <p>4 Q. You have never brought that up to</p> <p>5 anybody within the state police at a level</p> <p>6 above you?</p> <p>7 MR. SANDERS: He's asking you.</p> <p>8 A. I brought it up to Captain Conley.</p> <p>9 MR. SANDERS: Other than</p> <p>10 Conley.</p> <p>11 A. Other than Conley, no.</p> <p>12 Q. Just to complete the record, you</p> <p>13 indicated that you had filed a grievance</p> <p>14 regarding the discipline that was imposed by</p> <p>15 Captain Titler based on the finding made by</p> <p>16 Captain Simon. What was the ultimate result of</p> <p>17 that grievance?</p> <p>18 A. The ten-day suspension was denied.</p> <p>19 I will show you the rule that he did not</p> <p>20 believe -- I forget how he worded it -- that I</p> <p>21 set a quota at Mercer station. There was no</p> <p>22 quota that had been set at Mercer station. The</p> <p>23 personnel supervisor who came up with that</p> <p>24 allegation basically fabricated that</p> <p>25 allegation.</p>	<p style="text-align: right;">Page 103</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Q. Page 3 of the Complaint, I believe</p> <p>3 this is referring to the suspension and</p> <p>4 transfer. You refer to Lieutenants Grolemond,</p> <p>5 Brown and Jungling. If we could take those one</p> <p>6 at a time. You indicate that they were neither</p> <p>7 suspended or transferred under similar</p> <p>8 circumstances.</p> <p>9 Let's begin with Lieutenant</p> <p>10 Grolemond. First, could you identify who he</p> <p>11 is.</p> <p>12 A. Francis Grolemond. He is retired.</p> <p>13 He was the station commander at New Castle and</p> <p>14 then at Mercer.</p> <p>15 Q. He was the station commander at</p> <p>16 Mercer prior to you?</p> <p>17 A. After me.</p> <p>18 Q. After you?</p> <p>19 A. Correct. He has since retired.</p> <p>20 Q. What is it that he did that you feel</p> <p>21 he was not suspended or transferred for?</p> <p>22 A. Basically, the same type or they are</p> <p>23 all station commanders or staff. I was doing</p> <p>24 the exact same thing they were for day-to-day</p> <p>25 orders and regulations and enforcing them. I</p>
<p style="text-align: right;">Page 102</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Q. The suspension was lifted?</p> <p>3 A. Correct.</p> <p>4 Q. You never had to serve that?</p> <p>5 A. Correct.</p> <p>6 Q. What happened with respect to the</p> <p>7 transfer?</p> <p>8 A. He allowed the transfer based on</p> <p>9 alleged job performance. It was never</p> <p>10 addressed by the union.</p> <p>11 Q. The decision by the arbitrator, did</p> <p>12 you have any way to challenge that?</p> <p>13 A. No. Arbitrators, as per state law,</p> <p>14 their decisions are final.</p> <p>15 Q. Since being transferred to Erie,</p> <p>16 have you made formal requests to be transferred</p> <p>17 out of Erie?</p> <p>18 A. No, because of the ongoing</p> <p>19 grievance. I filed a lawsuit.</p> <p>20 Q. Pardon me?</p> <p>21 A. Because of the filing of the EEOC</p> <p>22 complaint and the filing of the lawsuit.</p> <p>23 Q. Until this day, you have never made</p> <p>24 a request to be transferred from Erie?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 104</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 got punished and transferred for issuing the</p> <p>3 same type of orders that they were doing. They</p> <p>4 never got transferred for the same type of</p> <p>5 orders. They never got transferred or never</p> <p>6 got punished.</p> <p>7 Q. With respect to them, we're not</p> <p>8 talking about the quota investigation.</p> <p>9 A. Correct.</p> <p>10 Q. We're just talking about the manner</p> <p>11 in which they ran their station?</p> <p>12 A. Correct.</p> <p>13 Q. You're indicating that you were</p> <p>14 doing the same things they were doing, and yet</p> <p>15 you were suspended and transferred?</p> <p>16 A. Same orders, same directive,</p> <p>17 correct.</p> <p>18 Q. At least with respect to the</p> <p>19 suspension and the transfer to Erie, at least</p> <p>20 as far as the documentation goes, that was</p> <p>21 based on a finding that you had imposed a quota</p> <p>22 at Mercer; is that correct?</p> <p>23 A. Also based on alleged poor work</p> <p>24 performance at Mercer station, which was not</p> <p>25 part of the internal investigation.</p>

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<p style="text-align: right;">Page 105</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Q. As far as that goes, would you agree</p> <p>3 that Lieutenants Grolemond, Brown and Jungling</p> <p>4 had never been subjected to a finding that they</p> <p>5 had imposed a quota?</p> <p>6 A. As far as I know, that is correct.</p> <p>7 Q. Again, I understand that it's your</p> <p>8 position that you were running your station in</p> <p>9 the same manner they were running their</p> <p>10 station, and you were suspended and transferred</p> <p>11 and they were not.</p> <p>12 A. I was giving out the same orders</p> <p>13 that any other state police would issue on a</p> <p>14 day-to-day basis, but false complaints and</p> <p>15 allegations were made against me because they</p> <p>16 did not want a black commander at Mercer</p> <p>17 station in my opinion.</p> <p>18 Q. By "they," who do you mean?</p> <p>19 A. Major Seilhamer, Ray Meldar, the ROP</p> <p>20 person, certain members of the Mercer station,</p> <p>21 and Captain Simon.</p> <p>22 Q. Who was the station commander before</p> <p>23 you took over at Mercer station?</p> <p>24 A. Lieutenant Greg Patterson.</p> <p>25 Q. What is his race?</p>	<p style="text-align: right;">Page 107</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 command of Troop S. He was in the same</p> <p>3 building and he was in charge of Troop S.</p> <p>4 Shortly after that, he got arrested</p> <p>5 for some problems and had to retire.</p> <p>6 Q. How long after that did that occur,</p> <p>7 do you know?</p> <p>8 A. Best guess, about a year-and-a-half.</p> <p>9 Q. That would take it to about 1994 or</p> <p>10 1995?</p> <p>11 A. Somewhere in there, yes.</p> <p>12 Q. Again, just for the record,</p> <p>13 Lieutenant Grolemond, Lieutenant Brown and</p> <p>14 Lieutenant Jungling, they're white?</p> <p>15 A. Caucasian, correct.</p> <p>16 Q. You indicated that the discipline</p> <p>17 order came on January 9, 2001, approximately?</p> <p>18 A. That's when I signed it. It was</p> <p>19 dated I think January 4 or January 5. I signed</p> <p>20 it, and I received it January 9.</p> <p>21 Q. Between January 9, 2001 when you</p> <p>22 signed the discipline order and April 16, 2001</p> <p>23 when you signed the PHRC complaint, was there</p> <p>24 any event that occurred that made you decide to</p> <p>25 file the complaint?</p>
<p style="text-align: right;">Page 106</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. African-American.</p> <p>3 Q. Do you know how long he was station</p> <p>4 commander at Mercer?</p> <p>5 A. Two years before he was arrested and</p> <p>6 retired.</p> <p>7 Q. Are you saying that his position</p> <p>8 became available because he retired?</p> <p>9 A. No, I stand corrected. He was at</p> <p>10 Mercer station as a station commander before I</p> <p>11 got there. He was given a lateral transfer to</p> <p>12 Troop S. At one point, there were two</p> <p>13 lieutenants at Mercer. One was in charge of</p> <p>14 Troop S. This section, he was in charge of</p> <p>15 Meadville and Mercer Troop S troopers.</p> <p>16 The barracks was basically divided</p> <p>17 in half. They had two commands under one</p> <p>18 barracks. Shortly after that, sometime within</p> <p>19 a year after that --</p> <p>20 Q. What is that? Your arrival at</p> <p>21 Mercer as station commander?</p> <p>22 A. Right. I got there in 1993,</p> <p>23 somewhere around 1994. Like I say, I replaced</p> <p>24 him as a commander of Troop D part of the</p> <p>25 barracks. He moved laterally and took over</p>	<p style="text-align: right;">Page 108</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 MR. SANDERS: You're talking</p> <p>3 about Exhibit No. 1?</p> <p>4 MR. BRADLEY: Yes. Exhibit</p> <p>5 No. 1.</p> <p>6 MR. SANDERS: He signed it on</p> <p>7 April 16, 2001.</p> <p>8 MR. BRADLEY: I'm sorry. What</p> <p>9 did I say?</p> <p>10 MR. SANDERS: April 9.</p> <p>11 MR. BRADLEY: I'm sorry. Let</p> <p>12 me rephrase the question.</p> <p>13 BY MR. BRADLEY:</p> <p>14 Q. From the time you signed the</p> <p>15 disciplinary order on January 9, 2001 until the</p> <p>16 time you signed the PHRC complaint, which is</p> <p>17 Exhibit No. 1, on April 16, 2001, was there</p> <p>18 anything that occurred that in your mind caused</p> <p>19 you to file the complaint?</p> <p>20 A. Yes. The transfer to Erie that took</p> <p>21 place on January 20. They punished me.</p> <p>22 Q. Was there any other event or was the</p> <p>23 transfer to Erie sort of the straw that broke</p> <p>24 the camel's back, for lack of a better term?</p> <p>25 A. The combination of the</p>

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<p style="text-align: right;">Page 109</p> <p>1 B. Williams - by Mr. Bradley 2 two transfers. Then the final thing that broke 3 the camel's back was that whole event. The 4 whole sequence of events was why I filed that 5 complaint. 6 Q. Did you ever appear, testify, or 7 make any oral statements at any PHRC or EEOC 8 proceedings or hearing that were based on the 9 complaint at Exhibit No. 1? 10 A. Are you talking about the 11 preconference hearing with the Human Relations 12 committee? 13 MR. SANDERS: Yes. 14 A. Yes, myself, Corporal Tyzinski, 15 Captain Simon and the FOP, the state police 16 attorney was there July 2, 2001 in Pittsburgh. 17 Q. Did you offer any testimony at that 18 proceeding? 19 A. Yes. I think they called it a 20 preconference hearing or something to that 21 effect, a meeting, a preconference meeting. 22 Q. Other than the Complaint itself -- 23 and not referring to any preexisting state 24 police documents or things that you may have 25 prepared in the course of your employment with</p>	<p style="text-align: right;">Page 111</p> <p>1 B. Williams - by Mr. Bradley 2 the state police, under their policies, what 3 are you supposed to do? 4 A. Under their policies, I have the 5 right to take it up with my supervisor, which 6 has been one of the persons that perpetrated 7 against me. Also, his supervisor is the main 8 person, so basically, I had no options; or I 9 could try to discuss the matter with the 10 department EEOC officer. 11 Q. Did you ever discuss the problem 12 with the EEOC officer? 13 A. Yes. It was a very frustrating 14 waste of time. 15 Q. Who was that? 16 A. She did nothing. 17 Q. Who was that individual? 18 A. Lieutenant Marcy Robinson. 19 Q. Marcy Robinson? 20 A. Correct. She has since given up 21 that position. She gave it up this year. She 22 decided and I heard she was telling people that 23 it was just a figure-head job. She had no 24 authority, so she transferred out. 25 Q. When did you talk with her?</p>
<p style="text-align: right;">Page 110</p> <p>1 B. Williams - by Mr. Bradley 2 the state police -- did you make or file any 3 written statements with the PHRC? 4 A. I think I did, but I'm not sure at 5 this time. I think there is some other 6 paperwork I submitted besides this 7 (indicating). 8 MR. SANDERS: He means other 9 than you referring to Exhibit No. 1. 10 A. I believe I did, but I'm not sure at 11 this time. 12 Q. Would that have been something on a 13 PHRC form that you filled out? 14 MR. SANDERS: If you recall. 15 A. I don't recall at this time. 16 Q. Are you familiar with the state 17 police harassment and discrimination policies? 18 A. Yes. They were not followed in my 19 case. 20 Q. Under that policy, if you have a 21 complaint of discrimination, what options are 22 available to you? 23 A. I don't understand the question. 24 Q. If you feel you're being 25 discriminated against in your employment with</p>	<p style="text-align: right;">Page 112</p> <p>1 B. Williams - by Mr. Bradley 2 MR. SANDERS: What year? 3 A. 2003. 4 Q. At any time prior to 2003, did you 5 speak with her? 6 A. Not with her, but her previous EEOC 7 officer, Major Virginia Smith, I spoke to her 8 in 1994, 1997, and informally in 2001. 9 Q. You indicated that there were 10 three years that you spoke to Virginia Smith. 11 Would that have been on one occasion in each 12 year? 13 A. I don't recall. That sounds about 14 right. I don't recall. It could have been 15 more than once. In 1995 I think was more than 16 one occasion. In 1995 I think it was three or 17 four occasions. 18 Q. Do you recall speaking to her in 19 1998? 20 A. I don't recall to be specific. I 21 spoke with her quite a few times formally and 22 informally. When I was down in Harrisburg, I 23 might run into her. We would talk, and she 24 would ask me how things were going. I would 25 tell her about the discriminatory things and so</p>

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<p style="text-align: right;">Page 113</p> <p>1 B. Williams - by Mr. Bradley 2 forth. I seen her quite a bit over the years 3 until she retired in 2002 or 2001. 4 MR. SANDERS: You're talking 5 about Virginia Smith? 6 THE WITNESS: Virginia Smith, 7 right. 8 Q. Did you ever make any formal 9 complaints to Virginia Smith? 10 A. Yes, I did. 11 Q. When would those have occurred? 12 A. 1995 or 1996. 13 Q. Any other years? 14 A. No. She actually came out here and 15 arranged a meeting between me and -- myself and 16 Major, then-Captain, Seilhamer to try to 17 resolve the issues. I met her down in Butler. 18 Q. When was that meeting? 19 MR. SANDERS: Was it 20 pre Mercer or post Mercer? 21 A. It was in Mercer. 22 MR. SANDERS: No. Pre Mercer 23 or post Mercer, to help Scott. Was it while 24 you were already the station commander in 25 Mercer or was it before?</p>	<p style="text-align: right;">Page 115</p> <p>1 B. Williams - by Mr. Bradley 2 Mercer station. 3 On August 10 of 2001, I sent a 4 letter to the Commissioner Paul Evanko with an 5 internal investigation complaint, a 13-page 6 complaint alleged about violation of letters of 7 discrimination, violations of civil rights, 8 violations of constitutional rights, and so 9 forth, and the state police would not conduct 10 an investigation. 11 I asked for a personal meeting with 12 Commissioner Evanko, and he denied my request 13 for the personal meeting to discuss the issues. 14 I then followed up with the new Commissioner 15 Miller in January of 2003. 16 I then sent in a request with a 17 complaint with an internal investigation 18 worksheet about the discrimination practices of 19 Captain Simon and Major Seilhamer. Again, I 20 was denied an investigation, and I was also 21 denied a personal meeting with the 22 commissioner. 23 Q. With respect to those actions, let's 24 start with the Markman letter that was sent in 25 June 2000 you said?</p>
<p style="text-align: right;">Page 114</p> <p>1 B. Williams - by Mr. Bradley 2 THE WITNESS: While I was 3 station commander in Mercer. It was 1995. I 4 got there in 1993. This was in 1995 or 1996. 5 Q. That you had these meetings? 6 A. Correct. 7 Q. I think from your testimony you have 8 indicated that after 1997 you didn't make any 9 formal contact with Virginia Smith in her role 10 as the EEOC officer until sometime in 2001? 11 A. I believe I wrote her a letter in 12 1997 or 1998. It was a letter about the 13 ongoing discrimination problems -- I believe in 14 1997. It could have been 1998, but I think the 15 letter to the best of my memory is 1997 -- 16 discrimination problems with Captain Seilhamer 17 and Mercer station personnel. 18 Q. Other than speaking with either 19 Virginia Smith or Marcy Robinson, did you make 20 any other formal complaints to anybody in the 21 state police about discrimination? 22 A. Yes, two commissioners, Paul Evanko, 23 June 7 of 2000. In fact, I went to Attorney 24 Greg Markman. I wrote him a letter complaining 25 about my treatment, harassment treatment at</p>	<p style="text-align: right;">Page 116</p> <p>1 B. Williams - by Mr. Bradley 2 A. Correct. 3 Q. Do you know what, if any, response 4 the state police made to that letter? 5 A. Yes. They had Major Seilhamer 6 conduct a supervisor investigation. 7 Q. What was the results of that 8 investigation? 9 A. I have no idea. He never told me. 10 I do know that Captain Simon's actions towards 11 me escalated. He continued his harassment and 12 discrimination, so it had no effect. It didn't 13 stop anything. 14 Q. After June 2000, that's the time 15 frame we're talking about, what discrimination 16 -- was it Captain Simon or Major Seilhamer that 17 you just referred to? 18 MR. SANDERS: Both. 19 A. Both. Major Seilhamer conducted the 20 supervisor investigation. It's an 21 investigation that is less than a full internal 22 investigation. 23 Q. Other than the transfers that we've 24 already talked about, since June of 2000, what 25 had Seilhamer and Simon done towards you that</p>

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<p style="text-align: right;">Page 117</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 you believe is discriminatory?</p> <p>3 A. After June of 2000?</p> <p>4 Q. Yes.</p> <p>5 A. Seilhamer and Simon continued to</p> <p>6 punish me by the transfer. He allowed Simon to</p> <p>7 transfer me despite knowing that the</p> <p>8 allegations were false, knowing that his</p> <p>9 request or reason for transferring me was</p> <p>10 totally false.</p> <p>11 Q. Other than the transfer, is there</p> <p>12 anything Major Seilhamer or Captain Simon have</p> <p>13 done to you since of June 2000 that you feel is</p> <p>14 discriminatory?</p> <p>15 A. Yes. He cut my manpower.</p> <p>16 MR. SANDERS: Who is "he"?</p> <p>17 THE WITNESS: Both.</p> <p>18 A. It took both of them to do it. They</p> <p>19 cut manpower at Mercer station which forced me</p> <p>20 to go out on the road as a road supervisor and</p> <p>21 in the capacity of a corporal. When I</p> <p>22 requested overtime, they denied the overtime.</p> <p>23 MR. SANDERS: Who is "they"</p> <p>24 and "he"?</p> <p>25 THE WITNESS: Seilhamer and</p>	<p style="text-align: right;">Page 119</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 MR. SANDERS: Other than what</p> <p>3 you already talked about which includes the</p> <p>4 office in Butler.</p> <p>5 THE WITNESS: Yes, correct.</p> <p>6 Q. Let's just pick 1995 since there was</p> <p>7 at that point some ongoing things at the Mercer</p> <p>8 station. Do you believe that since 1995 every</p> <p>9 state police decision that has been made</p> <p>10 affecting your employment or your position has</p> <p>11 been based on your race?</p> <p>12 A. I don't know about every single</p> <p>13 decision, but in my opinion most of them were.</p> <p>14 Q. Was there a time when you first</p> <p>15 began to believe that most of the decisions</p> <p>16 being made that affected your employment were</p> <p>17 based on your race?</p> <p>18 MR. SANDERS: You're asking</p> <p>19 him for a year?</p> <p>20 MR. BRADLEY: Yes.</p> <p>21 A. 1994.</p> <p>22 Q. Was there any specific event that</p> <p>23 occurred in 1994 that caused you to believe</p> <p>24 that, or was there an accumulation of things</p> <p>25 that happened up to that point?</p>
<p style="text-align: right;">Page 118</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 Simon. They denied my station of overtime that</p> <p>3 they approved for other stations for</p> <p>4 supervision. They denied it for my station,</p> <p>5 which in effect meant that I personally had to</p> <p>6 go out on the road and perform the duties of</p> <p>7 the corporal because the state police</p> <p>8 regulations required a road supervisor.</p> <p>9 I had a number of supervisors on</p> <p>10 either restricted duty or away for training or</p> <p>11 on sick leave, so by not approving overtime, it</p> <p>12 meant that it forced me out the door. That was</p> <p>13 only at my station that they had that policy.</p> <p>14 BY MR. BRADLEY:</p> <p>15 Q. Again, other than the fact it was</p> <p>16 directed to you and not to anybody else, do you</p> <p>17 have any evidence that that was racially</p> <p>18 motivated?</p> <p>19 A. No. I think by circumstantial</p> <p>20 evidence it's clearly indicated in my opinion</p> <p>21 it's racially motivated. It only impacted me.</p> <p>22 Q. Other than that, cutting the</p> <p>23 manpower at Mercer station and the transfers,</p> <p>24 was there anything else after June 2000?</p> <p>25 A. Nothing I can think of at this time.</p>	<p style="text-align: right;">Page 120</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. Accumulation plus the transfer from</p> <p>3 Mercer to Butler for the phony reason of being</p> <p>4 the acting crime lieutenant with no duties, and</p> <p>5 then the denial of over 200 hours of overtime.</p> <p>6 Q. Is that the overtime that you were</p> <p>7 able to recoup through your grievance?</p> <p>8 A. No.</p> <p>9 Q. That's applied to an investigation</p> <p>10 that you were doing?</p> <p>11 A. It was a murder investigation that</p> <p>12 he took me off of and put a white lieutenant in</p> <p>13 charge of the investigation, even though I was</p> <p>14 the designated crime lieutenant.</p> <p>15 Even though state police rules and</p> <p>16 regulations and the troop policy require that I</p> <p>17 be in charge of a murder investigation,</p> <p>18 Captain Simon removed me from the first day.</p> <p>19 He took me off the murder investigation and</p> <p>20 denied me over 200 hours of overtime.</p> <p>21 Q. Just to be clear, you didn't work</p> <p>22 that 200 hours. You would have been able to</p> <p>23 work that 200 hours if you had been allowed to</p> <p>24 remain as the primary investigator?</p> <p>25 A. He ordered me off the investigation,</p>

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<p style="text-align: right;">Page 121</p> <p>1 B. Williams - by Mr. Bradley 2 and he turned the investigation over to a white 3 junior lieutenant. 4 Q. I understand that, but you didn't 5 work 200 hours that weren't compensated -- 6 A. No, and I -- 7 MR. SANDERS: Wait. Relax. 8 Let him ask the question. 9 Q. You weren't denied compensation for 10 200 hours you worked. You were denied the 11 opportunity to work those 200 hours? 12 A. Correct. 13 Q. You grieved all the issues; is that 14 correct? 15 A. Correct. 16 Q. You did not prevail on the grievance 17 as to that issue? 18 A. As to the issue of the overtime, I 19 did not prevail, correct. 20 Q. As to the reassignment of the murder 21 investigation? 22 A. They were one in the same collated 23 together, 200 hours deprived from a murder 24 investigation. 25 Q. You also make claims in the criminal</p>	<p style="text-align: right;">Page 123</p> <p>1 B. Williams - by Mr. Bradley 2 There were false allegations and false 3 complaints lodged against me. Each and every 4 instance, Captain Simon and Major -- I got 5 punished even though I was lawfully -- 6 MR. SANDERS: Finish the 7 names. Major who? 8 THE WITNESS: Major Terry L. 9 Seilhamer and Captain Sidney A. Simon punished 10 me knowing that the allegations were totally 11 false and had no merit. 12 MR. SANDERS: You already said 13 that. Scott is asking you if there is anything 14 else that you haven't told him that you feel 15 was retaliation because of complaints that you 16 filed or the grievance that you filed? 17 A. Yes. On September 7, 1999, after 18 meeting with the members and having a meeting 19 with the FOP and the members of Mercer station, 20 Captain Simon issued what I called at the time 21 and still to this day a racial order. He 22 ordered me that I could not visit my station 23 after hours, after 4:30 every night. 24 He ordered me to leave Mercer 25 County. I had to get out of Mercer County by</p>
<p style="text-align: right;">Page 122</p> <p>1 B. Williams - by Mr. Bradley 2 Complaint that the state police have taken 3 certain acts of retaliation -- 4 MR. SANDERS: You mean civil. 5 You said criminal. 6 MR. BRADLEY: I'm sorry. I 7 misspoke. 8 Q. With respect to the civil complaint 9 that you filed against the Pennsylvania State 10 Police at No. 03239-E, you indicate that the 11 state police took acts of retaliation against 12 you? 13 A. Yes. 14 Q. Let me ask it this way. Is there 15 anything -- apart from what we've already 16 discussed today in terms of the transfers and 17 the treatment you were accorded as the station 18 commander at Mercer both by your supervisors 19 and by your subordinates, is there anything 20 other than that that you feel was specifically 21 retaliatory because you made complaints about 22 racial discrimination? 23 A. Yes, lots of them. If I may? 24 Q. Sure. 25 A. There were a number of occasions.</p>	<p style="text-align: right;">Page 124</p> <p>1 B. Williams - by Mr. Bradley 2 5:30 every day. I could not visit my station 3 at any time on my days off, nighttime or no 4 time. The first time I visited my station, I 5 got a note on March 29, 2000. I got a nasty 6 E-mail dressing me down and reminding me of the 7 September 1999 order to stay away from the 8 station during dark or after hours. 9 Q. Do you recall the exact terms of 10 that order? 11 A. Yes. The exact terms of what I 12 said. He had the meeting with the personnel at 13 Mercer station -- 14 MR. SANDERS: Just answer the 15 question. Just stay with the question. 16 A. Yes. 17 Q. The order expressly indicated that 18 you had to leave the county by a certain time? 19 A. Correct. 20 Q. At any part of the discussion 21 surrounding that order, did issues arise out of 22 your use of the state vehicle come up? 23 A. Yes. 24 Q. Was it explained to you there were 25 concerns you were using the state vehicle in</p>

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1 B. Williams - by Mr. Bradley
2 what might be an unauthorized manner?
3 A. He raised the issue and I denied it.
4 MR. SANDERS: Who is "he"?
5 THE WITNESS: Captain Simon.
6 A. I told him it was a blatant lie.
7 The allegations was that I had been seen in a
8 state police car at night with a white female
9 in the car. I totally denied the allegation.
10 He punished me knowing that it was a
11 lie or should have known it was a lie. Not
12 only that, he also alleged this unknown
13 person -- and he would never give my the name
14 of anybody. Every time he punished me, he
15 would only say "the FOP." He would never give
16 me the name except for Ray Meldar.
17 Along with that allegation of having
18 a white female in the state police car, it was
19 alleged and he also mentioned that somebody had
20 told him that I had driven to Elyria, Ohio, to
21 purchase an Ohio lottery ticket, which is
22 50 miles into the State of Ohio. It went on
23 and on from there. As a result of the alleged
24 thing, he told me I could not drive the car.
25 Q. From his position, the order was

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1 B. Williams - by Mr. Bradley
2 implemented to address issues related to your
3 use of the state vehicle after hours?
4 A. My interpretation is he was issuing
5 discriminatory acts. He has been a racist --
6 well, not a racist. I should not say that, but
7 Major Seilhamer was a racist. He was just
8 basically following Major Seilhamer's order to
9 harass me in any kind of way that they could.
10 Q. At least the explanation he gave you
11 was that it related to the issues regarding the
12 use of state vehicle after hours; is that
13 correct?
14 A. Yes. He mentioned something to that
15 effect, correct.
16 Q. You used the term "punished" a
17 number of times. I want to be clear what you
18 mean by that. You had talked about earlier on
19 in your career of a disciplinary transfer
20 related to allegations of gambling. We have
21 discussed at length the ten-day suspension and
22 the disciplinary transfer to Erie.
23 Other than those two events, have
24 there been any occasions where you have been
25 formally disciplined by the state police? I'm

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1 B. Williams - by Mr. Bradley
2 just looking for a yes or no answer at this
3 point.
4 A. Can you repeat that question?
5 Q. Other than the disciplinary transfer
6 based on the allegations of gambling earlier in
7 your career and the transfer discipline related
8 to the quota investigation, has there been any
9 other time you have been formally disciplined
10 by the state police?
11 A. Yes, in 1994, the transfer to
12 Butler, from Mercer to Butler for three months.
13 Other than that, no.
14 Q. Again, the transfer to Butler, it's
15 only characterized by you as being
16 disciplinary?
17 MR. SANDERS: The 1994 one?
18 MR. BRADLEY: 1994 transfer to
19 Butler.
20 Q. It was not characterized by the
21 state police as disciplinary, was it?
22 A. That was their version. It was
23 clearly discipline to me. It resulted from the
24 false complaint.
25 Q. If somebody were looking at your

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1 B. Williams - by Mr. Bradley
2 record, that would not appear as an act of
3 discipline; is that correct, the 1994 transfer
4 to Butler?
5 A. They would see that I grieved it for
6 disciplinary reasons.
7 Q. The transfer itself wasn't imposed
8 as formal discipline?
9 MR. SANDERS: I will object to
10 the repeated asking of the question and the
11 answer that he felt it was punishment and it
12 was discipline. The paperwork may have been
13 written to say otherwise, but this
14 Lieutenant/witness/Plaintiff disagrees.
15 MR. BRADLEY: I understand
16 that. I just want to make it clear.
17 MR. SANDERS: If you want to
18 fairly ask it another time, give it a shot, and
19 I'll make the same objection.
20 MR. BRADLEY: That's okay. We
21 can move on.
22 BY MR. BRADLEY:
23 Q. Other than those three incidents
24 that you have characterized, the two formal
25 disciplinary transfers and then the 1994

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<p style="text-align: right;">Page 129</p> <p>1 B. Williams - by Mr. Bradley 2 incident, other than that, there were no other 3 formal disciplinary actions from the state 4 police during your employment? 5 A. Are you talking about 1981, 1994, 6 2000, and 2001? 7 MR. SANDERS: Other than 8 those. 9 A. Other than those, no. 10 Q. So my question is when you say 11 that -- I think you referred to both 12 then-Captain Seilhamer as the troop commander 13 at Butler and then after 1999 Captain Simon and 14 Major Seilhamer punishing you, what are you 15 referring to? 16 A. I'll give you an example. His words 17 and actions. Captain Simon at a troop 18 conference in October of 1999 in the middle of 19 a troop conference, he called me out and said, 20 "Hey, Lieutenant Williams, I need to talk to 21 you to," in a real negative kind of 22 connotation. As I was leaving the room, I 23 heard somebody else in the room say, "I hope he 24 got the Vaseline ready." 25 He called me to his office and told</p>	<p style="text-align: right;">Page 131</p> <p>1 B. Williams - by Mr. Bradley 2 the state police refused to send anybody down. 3 They said, "Call PennDot." 4 PennDot decided not to respond to 5 remove the dead deer. I ordered a trooper to 6 respond to the scene. First of all, I didn't 7 believe there were four dead deer in one spot. 8 The trooper responded and, in fact, found four 9 dead deer, two of them laying on the highway. 10 As per standard state police policy 11 that I've done myself in the past, he drug the 12 dead deer off the road and to the berm and left 13 the scene. I explained that to Captain Simon. 14 I considered it punishment as the way he drug 15 me out of the troop conference and the way he 16 addressed me all the time. He continually in 17 front of everybody else always called me Bill. 18 He never called me Lieutenant Williams. 19 Q. I just want to be clear that when 20 you do refer to punishment, other than those 21 transfers we referred to, you've never been 22 subject to a suspension or a loss of pay or any 23 other formal impact on your employment as a 24 result of the actions of the Captain then, now 25 Major Seilhamer, and Captain Simon?</p>
<p style="text-align: right;">Page 130</p> <p>1 B. Williams - by Mr. Bradley 2 me that the FOP, Ray Meldar, made some 3 complaints against me about allegedly that I 4 had members patrol the interstate highways, 5 troopers patrol the interstate highway system 6 in Mercer County and do nothing but count dead 7 deer. 8 He had a very negative -- almost 9 like he was turning beet-red. He's 10 African-American but he's at least half and 11 half. He's half-white and half-black. He was 12 turning beet-red. I clearly told him that it 13 was totally false. I explained to him that 14 Mercer station averaged 140 to 150 incidents 15 with dead animals on the highway a year. 16 What had happened in the incident 17 that they were complaining about is two ladies 18 had called the barracks. They were traveling 19 on 79. 20 MR. SANDERS: Slow down. 21 A. They were on I-79, northbound. They 22 had come across four dead deer on the roadway. 23 They had called the state police barracks. 24 When they called the 911 center to relay the 25 call to the Pennsylvania State Police, at first</p>	<p style="text-align: right;">Page 132</p> <p>1 B. Williams - by Mr. Bradley 2 A. I lost pay. I lost overtime 3 continually. To this day I lose overtime 4 because of their acts. I've been a staff 5 lieutenant, not a station commander. I lose 6 overtime on a monthly basis, the overtime 7 shift. 8 MR. SANDERS: That's the 9 witness' answer to the question about whether 10 there has been loss of pay. 11 MR. BRADLEY: I understand 12 that. I want to clarify the answer. 13 Q. I understand what you're saying is 14 that had you remained the station commander of 15 Mercer, that your compensation would have been 16 at a higher rate than it is as a staff 17 lieutenant? 18 A. That's right. 19 Q. That is what you're saying? 20 MR. SANDERS: No, that's not 21 all he's saying. 22 Q. What I'm asking you is in terms of 23 your compensation and hours that you were 24 actually working and specifically -- strike 25 that. I am just going to move on.</p>

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1 B. Williams - by Mr. Bradley
 2 (Short recess taken.)
 3 Q. I just have a few more questions.
 4 We were speaking about retaliation. You had
 5 talked about that you felt that the punishment
 6 that Major Seilhamer and Captain Simon had
 7 imposed upon you at various times were some
 8 acts of retaliation.
 9 Again, apart from those and apart
 10 from the other things we had talked about
 11 today, are there any other specific acts of
 12 retaliation that you feel the state police
 13 subjected you to since you filed your
 14 complaints of discrimination?
 15 A. I'm sure there are others, but I
 16 can't think of them right now.
 17 Q. As a result of these incidents, have
 18 you sought out counseling or medical treatment?
 19 A. Yes.
 20 Q. When did you first do that?
 21 A. April 1, 2000. I would say -- well,
 22 if I might backtrack. I first contacted the
 23 State Police Member Assistance Program. They
 24 referred me to Trooper Jim Ruff who was in
 25 charge of the Member Assistance Program,

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1 B. Williams - by Mr. Bradley
 2 referred me to a psychiatrist up in Erie by the
 3 name of Robert Nelsen.
 4 I met with him on April 1, 2000. I
 5 advised him of the problems I was having with
 6 the state police and the discriminatory
 7 treatment and so forth, and he noticed I was
 8 very angry and upset. He also suggested that I
 9 should seek some kind of medication besides
 10 talking to him.
 11 Later on that year, I met with
 12 another psychiatrist by the name of Lance
 13 Besner. I've been seeing him on a monthly
 14 basis since then. In fact, I last visited him
 15 last week, October 12. My next visit with him
 16 is December 14. I have been seeing him on a
 17 monthly basis for the past three years.
 18 This December will be the first time
 19 it will go to every other month in two years.
 20 I've been taking Wellbutrin XL 300. Well,
 21 first 150 milligrams, and this year he switched
 22 it to 300.
 23 Q. What's the medication?
 24 A. Wellbutrin XL. It's for anxiety and
 25 depression. I've been taking it for three

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1 B. Williams - by Mr. Bradley
 2 years now over these events. It was, like I
 3 said, 150 milligrams twice a day. He now has
 4 me to 300 milligrams once a day.
 5 Q. The dosages remained the same. It's
 6 just that you take it all at once instead of
 7 twice a day?
 8 A. Correct, recently at 300 milligrams
 9 versus 150.
 10 Q. How many times did you see
 11 Dr. Nelsen?
 12 A. Once.
 13 Q. How long after you saw him did you
 14 begin seeing Dr. Besner?
 15 MR. SANDERS: Start with the
 16 year. If you saw Dr. Nelsen in 2000, did you
 17 see Dr. Besner for the first time in 2000 or a
 18 year after that?
 19 A. The first time I saw him was in
 20 2000. It was probably about three or four
 21 months after seeing Dr. Nelsen.
 22 Q. You indicated that Dr. Nelsen was
 23 referred to you by a counselor at the state
 24 police. Who referred you to Dr. Besner?
 25 A. I don't recall at this time. I got

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1 B. Williams - by Mr. Bradley
 2 his name from Dr. Nelsen or someone else. I
 3 can't recall at this time.
 4 Q. In answering this next question, I
 5 don't want you to tell me what, if anything, it
 6 was, but was there anything else other than the
 7 problems you were encountering at the state
 8 police that caused you to seek mental health
 9 treatment?
 10 A. Absolutely not. It's all about the
 11 state police that triggered it to this day.
 12 That's the first time in my life I ever went to
 13 see a psychiatrist. In fact, that's why I
 14 resisted.
 15 Trooper Ruff, when he mentioned
 16 it -- I put it off for about a month or so. I
 17 did not want to go see a psychiatrist, but I
 18 noticed my anger and my emotional --
 19 humiliations and everything was rising. I was
 20 yelling at people, at my kids, at home and so
 21 forth, so I decided I better go.
 22 Q. Has Dr. Besner made any diagnosis
 23 with regard to your situation?
 24 A. Depression.
 25 Q. Do you know at what point in the

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<p style="text-align: right;">Page 137</p> <p>1 B. Williams - by Mr. Bradley 2 time that you saw him that he made that 3 diagnosis? 4 A. I would say about the second or 5 third visit. It could have been the first. I 6 don't know. It was early on. 7 MR. SANDERS: The records will 8 speak for themselves. 9 Q. I believe in the Complaint you 10 indicated you were deprived of a promotion. Do 11 you recall making that claim? 12 A. Basically, I considered 13 transferring, making a lateral transfer, and 14 decided not to put in for it. Also, recently 15 the state police filled two positions on the 16 state gaming board. I am the senior 17 lieutenant. Of the 114 lieutenants on the 18 state police, I am the second in seniority. 19 Had they taken a normal track and 20 posted the gaming board, I would have been able 21 to and I made it well known I was considering 22 putting in for that. 23 They didn't post it. They promoted 24 two sergeants to lieutenant, and they didn't 25 post it like they normally do. I feel that was</p>	<p style="text-align: right;">Page 139</p> <p>1 B. Williams - by Mr. Sanders 2 I don't see a problem. 3 MR. SANDERS: I don't have 4 many, but it may cause Scott to have some 5 follow-up, but I think at least it will be -- 6 MR. CAMPBELL: Well, yes. We 7 won't be jumping back and forth. 8 ----- 9 EXAMINATION 10 BY MR. SANDERS: 11 Q. Lieutenant, I'm going to be asking 12 you some questions now concerning some subjects 13 that you discussed with Mr. Bradley this 14 morning. We may have to take a break for a 15 moment for me to take care of another matter, 16 but we'll get as far as I can and then I'll 17 pick it up in a few minutes. Okay? 18 A. Okay. 19 Q. I'm sort of going to go in reverse 20 order and talk to you about some subjects that 21 Scott brought up with you just recently, and 22 then we'll work back towards ten o'clock this 23 morning? Okay? 24 A. Okay. 25 Q. Can you tell us how your allegations</p>
<p style="text-align: right;">Page 138</p> <p>1 B. Williams - by Mr. Bradley 2 kind of vented towards me because it was well 3 known that I wanted the position. 4 If they posted two positions, I 5 would have been able to bid to get one of those 6 slots on the gaming board. That took place in 7 July of this year. 8 Q. Other than that situation, there has 9 never been a time that you have requested a 10 promotion or tested for a promotion and were 11 denied? 12 A. No. 13 MR. BRADLEY: That's all the 14 questions I have. Thank you very much, 15 Lieutenant Williams. 16 MR. SANDERS: I have some 17 questions. You had mentioned a procedure that 18 you wanted to follow. May I just speak to 19 Bryan about that for a minute? 20 MR. BRADLEY: Sure. 21 MR. SANDERS: Can I address my 22 questions now before you start so that I can 23 keep some kind of order for the Judge rather 24 than go back to it later? 25 MR. CAMPBELL: Yes, you could.</p>	<p style="text-align: right;">Page 140</p> <p>1 B. Williams - by Mr. Sanders 2 in this case of an unlawful transfer from 3 Mercer to Butler in 2000 or 2001 impacted your 4 earnings? 5 A. It denied me shift differentials. 6 It denied me untold amount of overtime. I was 7 denied approximately \$12,000 time-and-a-half 8 for the actual drive time every day from Mercer 9 to Butler. 10 Q. Did you suffer any more economic 11 loss in your opinion from the transfer from 12 Butler to Erie? 13 A. Yes. Until this day I'm still 14 suffering economic loss. 15 Q. Explain what the continuing economic 16 loss is now that you are in Erie. 17 A. A station commander normally would 18 get more overtime because of his assignment 19 than a staff lieutenant. As station commander, 20 a lot of things come in on patrols, murder 21 investigations or any kind of high-profile 22 investigation. You're subject to get overtime. 23 I don't get it as a staff lieutenant up in 24 Erie. 25 Q. The figure that you just spoke of,</p>

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<p style="text-align: right;">Page 141</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 this \$12,000 or so, is that your calculation of</p> <p>3 the approximate loss that you suffered as a</p> <p>4 result of being assigned and transferred to</p> <p>5 Butler in 2000 or 2001?</p> <p>6 A. Yes. That's based on approximately</p> <p>7 that I was there five-and-a-half months.</p> <p>8 That's based on approximately 210 to 220 hours</p> <p>9 of overtime that I was entitled to get. I</p> <p>10 filed for it under my grievance.</p> <p>11 Q. As I understand it, you are now</p> <p>12 being treated in Erie not as a station</p> <p>13 commander but as a staff lieutenant?</p> <p>14 A. Correct.</p> <p>15 Q. Is that what you just described to</p> <p>16 us that has caused you to suffer this</p> <p>17 additional or continuing loss of pay?</p> <p>18 A. Yes.</p> <p>19 Q. Barring a change in your assignment,</p> <p>20 do you anticipate that that loss will continue</p> <p>21 until the time that you will be forced to</p> <p>22 retire?</p> <p>23 A. No. It will continue until I'm</p> <p>24 forced to retire in December of next year when</p> <p>25 I turn age 60.</p>	<p style="text-align: right;">Page 143</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 I can't think of them right now.</p> <p>3 MR. BRADLEY: Can you put a</p> <p>4 time frame on that question for those troopers?</p> <p>5 Q. These troopers that you are naming</p> <p>6 here, are these troopers that were under your</p> <p>7 command when you were transferred to Mercer?</p> <p>8 A. Yes.</p> <p>9 Q. Were they under your command when</p> <p>10 you received the telephone call in June of 1999</p> <p>11 from Caption Simon?</p> <p>12 A. Yes.</p> <p>13 Q. Did they continue to be under your</p> <p>14 command until you got the notification from</p> <p>15 Simon and Seilhamer that you were to pack up</p> <p>16 and come to Butler?</p> <p>17 A. Yes.</p> <p>18 Q. You mentioned a name to Scott and</p> <p>19 Bryan earlier today by the name of Simpson?</p> <p>20 A. Yes.</p> <p>21 Q. Does he have a first name?</p> <p>22 A. Brian Simpson.</p> <p>23 Q. Was Brian Simpson ever someone that</p> <p>24 you supervised?</p> <p>25 A. No, he was a lieutenant.</p>
<p style="text-align: right;">Page 142</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 Q. So the answer is yes?</p> <p>3 A. Yes.</p> <p>4 Q. This loss that you just described,</p> <p>5 would you have suffered that loss had you been</p> <p>6 permitted to remain in Mercer?</p> <p>7 A. No, I would not. It's an ongoing</p> <p>8 loss. I would not be suffering.</p> <p>9 Q. Early this morning, you were asked</p> <p>10 by Mr. Bradley about officers or troopers in</p> <p>11 Mercer that you believe engaged in racial</p> <p>12 discrimination towards you. Do you remember</p> <p>13 that?</p> <p>14 A. Yes.</p> <p>15 Q. What are some of the names of the</p> <p>16 troopers in Mercer that were behind what you</p> <p>17 feel was racially motivated?</p> <p>18 A. Sergeant Randy Anderson, Corporal</p> <p>19 Patrick Whalen, Corporal Robert J. Rossman,</p> <p>20 Corporal Kelly. I can't think of his first</p> <p>21 name right now.</p> <p>22 Q. David?</p> <p>23 A. Yes, Corporate David Kelly. Yes.</p> <p>24 Q. Do you remember any other names?</p> <p>25 A. I know there are other troopers, but</p>	<p style="text-align: right;">Page 144</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 Q. Was he within Seilhamer's troop or</p> <p>3 area?</p> <p>4 A. Area, yes. It was part of out of</p> <p>5 Erie, out of the Meadville station.</p> <p>6 Q. Did Mr. Simpson engage in any kind</p> <p>7 of racial misbehavior that you were aware of</p> <p>8 during this period of time from say 1999 to the</p> <p>9 present?</p> <p>10 A. Yes.</p> <p>11 Q. What was that?</p> <p>12 A. He told me that I was an American</p> <p>13 trooper. He told a Caucasian trooper that</p> <p>14 Meadville station was an Irish descent and that</p> <p>15 the Irish were the niggers of Europe.</p> <p>16 Q. What was the name of the person he</p> <p>17 told that to?</p> <p>18 A. Trooper Jon McClain.</p> <p>19 Q. Were you present when Simpson made</p> <p>20 the comment to McClain?</p> <p>21 A. No.</p> <p>22 Q. Who told you that Simpson had made</p> <p>23 that comment?</p> <p>24 A. I was made aware of the comment</p> <p>25 through Captain Conley, the troop commander at</p>

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<p style="text-align: right;">Page 145</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 the time.</p> <p>3 Q. Did you report any of that to</p> <p>4 Seilhamer at any time?</p> <p>5 A. I didn't, but Captain Conley advised</p> <p>6 me he did.</p> <p>7 Q. That would be by Erby Conley?</p> <p>8 A. Correct.</p> <p>9 Q. That would be the same Erby Conley</p> <p>10 that you had give a deposition in this case?</p> <p>11 A. Yes.</p> <p>12 Q. Mr. Conley is black?</p> <p>13 A. Correct.</p> <p>14 Q. Did you ever have an occasion where</p> <p>15 you spoke to Seilhamer one-on-one between</p> <p>16 June of 1999 until the present where you</p> <p>17 brought your racial complaints to his</p> <p>18 attention?</p> <p>19 A. Yes.</p> <p>20 Q. What year did that conversation take</p> <p>21 place between you and Seilhamer?</p> <p>22 A. Well I spoke to him prior to 1999,</p> <p>23 but after June 1, 1999, it was July 14 of 2000.</p> <p>24 Q. Where did that discussion take place</p> <p>25 physically?</p>	<p style="text-align: right;">Page 147</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 remember that?</p> <p>3 A. Yes.</p> <p>4 Q. I assume you thought or remember</p> <p>5 everything you can today about what events</p> <p>6 occurred after June 2000 that you felt were</p> <p>7 attributable to you having filed a complaint?</p> <p>8 A. Yes.</p> <p>9 Q. Am I correct that one of the</p> <p>10 examples that you're giving in this case of</p> <p>11 being punished or discriminated against is the</p> <p>12 way you were treated in Butler by Seilhamer?</p> <p>13 A. Correct.</p> <p>14 Q. You described, if I understand, the</p> <p>15 office that you were in?</p> <p>16 A. Correct.</p> <p>17 MR. BRADLEY: We are referring</p> <p>18 to the transfer in 2000, not 1994?</p> <p>19 Q. Did you understand my question?</p> <p>20 A. Yes.</p> <p>21 Q. You understood my question to be</p> <p>22 about what happened to you in Butler in</p> <p>23 2000 and 2001?</p> <p>24 A. Correct.</p> <p>25 Q. I am correct in when I say you were</p>
<p style="text-align: right;">Page 146</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 A. Butler headquarters.</p> <p>3 Q. What did you tell him then?</p> <p>4 A. I told him about the discrimination</p> <p>5 treatment complaints. I complained. He was</p> <p>6 questioning Attorney Greg Markman's June</p> <p>7 letter. He was conducting an inquiry. I</p> <p>8 happened to be at Butler, and he called me up</p> <p>9 to his office and said, "I want to question you</p> <p>10 about your Attorney Markman's letter."</p> <p>11 Q. Was this the investigation that you</p> <p>12 talked about with Mr. Bradley earlier?</p> <p>13 A. Yes.</p> <p>14 Q. If I understand you correctly, it's</p> <p>15 your position that basically he was</p> <p>16 investigating himself?</p> <p>17 A. Correct.</p> <p>18 MR. SANDERS: Let's just take</p> <p>19 a break for a moment.</p> <p>20 (Short recess taken.)</p> <p>21 Q. We're back on the record. I would</p> <p>22 like to draw your attention to where we just</p> <p>23 left off. You said to Scott earlier today that</p> <p>24 after the Seilhamer supervisor's investigation,</p> <p>25 the mistreatment of you escalated? Do you</p>	<p style="text-align: right;">Page 148</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 still in Butler in the early part of 2001</p> <p>3 before you were retransferred to Erie, correct?</p> <p>4 A. Correct.</p> <p>5 Q. You described that to Scott and</p> <p>6 Bryan as a five-and-a-half month period; is</p> <p>7 that correct?</p> <p>8 A. Correct.</p> <p>9 Q. The state police employee that</p> <p>10 replaced you in Mercer, you mentioned his name</p> <p>11 earlier today? What is it again?</p> <p>12 A. Francis Grolemond.</p> <p>13 Q. Is he white?</p> <p>14 A. He is white.</p> <p>15 Q. Now, with regards to Mr. Grolemond,</p> <p>16 Brown and Jungling, am I understanding you</p> <p>17 correctly --</p> <p>18 Now I am looking at and referring to</p> <p>19 Exhibit No. 1, your EEOC/PHRC complaint of</p> <p>20 racial discrimination. You say here that</p> <p>21 similarly situated Caucasian employees such</p> <p>22 Lieutenants Grolemond, Brown and Jungling --</p> <p>23 let me ask you this. I assume that you agree</p> <p>24 that they have been transferred from time to</p> <p>25 time?</p>

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<p style="text-align: right;">Page 149</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 A. Correct.</p> <p>3 Q. Is it your position in this case</p> <p>4 however that your transfers were racially</p> <p>5 motivated and theirs were not?</p> <p>6 A. Correct.</p> <p>7 Q. Your transfers, the one from Mercer</p> <p>8 to Butler and Butler to Erie, were due to your</p> <p>9 having filed grievances and complaints about</p> <p>10 the mistreatment that you were being subjected</p> <p>11 to at Mercer?</p> <p>12 A. Correct, and I have an example if I</p> <p>13 could.</p> <p>14 Q. What is the example?</p> <p>15 A. For instance, in Commonwealth Court</p> <p>16 on October 19, 2000, Captain Simon and</p> <p>17 Major Seilhamer was there. There are</p> <p>18 two reasons why he transferred me from Mercer</p> <p>19 to Butler.</p> <p>20 One was because of a fight at Mercer</p> <p>21 station, and because the trooper allegedly</p> <p>22 making an insubordinate comment to the</p> <p>23 sergeant. He told the sergeant that he didn't</p> <p>24 want to talk to the lieutenant.</p> <p>25 This alleged fight that took place</p>	<p style="text-align: right;">Page 151</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 the fight. There were three fights in Erie or</p> <p>3 four. I mentioned Lieutenant Brian Simpson</p> <p>4 earlier. Trooper Jon McClain, he was involved</p> <p>5 in a fight with Trooper Lynchman, and</p> <p>6 Lieutenant Simpson was there. He was in his</p> <p>7 office right across the hallway from the fight.</p> <p>8 The Major or Simon didn't transfer him, but he</p> <p>9 allowed Simon to transfer me.</p> <p>10 A trooper in Butler had a fight</p> <p>11 where he punched another trooper. This was at</p> <p>12 Butler headquarters while the Major and Simon</p> <p>13 were right there in 2003.</p> <p>14 A trooper punched another trooper</p> <p>15 while they were on patrol and broke his jaw.</p> <p>16 That trooper got arrested for aggravated</p> <p>17 assault and battery. No one got transferred</p> <p>18 about that.</p> <p>19 Then you had the fight down in</p> <p>20 Punxatawney at Troop C, which is under</p> <p>21 Commander Major Seilhamer, where one trooper</p> <p>22 kicked another trooper in the private area. It</p> <p>23 cost him to lose one of his balls. He was</p> <p>24 arrested for aggravated assault and battery.</p> <p>25 In all three incidents, the</p>
<p style="text-align: right;">Page 150</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 at Mercer station was a shoving match, a</p> <p>3 corporal shoving a trooper. It happened at</p> <p>4 12 midnight on a weekend. I was barred from</p> <p>5 the station, so I was not allowed to be at the</p> <p>6 station at 12 midnight. It happened on a</p> <p>7 weekend, and I was not allowed to work</p> <p>8 weekends. It was not a normal shift for me.</p> <p>9 My normal shift was normally 8:30 to 4:30.</p> <p>10 Q. You were being blamed for that?</p> <p>11 A. I was being blamed for it.</p> <p>12 Q. Now let me ask you this. One of the</p> <p>13 comebacks that the state has or one of the</p> <p>14 defenses that the state has is that you didn't</p> <p>15 have control or weren't properly handling your</p> <p>16 subordinates in Mercer. You're aware of that</p> <p>17 allegation?</p> <p>18 A. Yes.</p> <p>19 Q. Do you agree with that allegation?</p> <p>20 A. Absolutely not. I performed</p> <p>21 control. In fact, that's why they kept making</p> <p>22 the false complaints about me. They didn't</p> <p>23 like my orders. I was a no-nonsense type of</p> <p>24 person.</p> <p>25 If I may give you an example with</p>	<p style="text-align: right;">Page 152</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 commander did not get transferred, yet they</p> <p>3 transferred me because of a shoving match that</p> <p>4 took place at 12 midnight.</p> <p>5 Q. Let me direct your attention now to</p> <p>6 your efforts to try to resolve this with Evanko</p> <p>7 and Miller. You indicated that you had</p> <p>8 requested a meeting with the commissioners,</p> <p>9 both of them?</p> <p>10 A. Yes.</p> <p>11 Q. In making that request, did you make</p> <p>12 that request through another representative of</p> <p>13 yourself or yourself?</p> <p>14 A. Myself. I went through the chain of</p> <p>15 command.</p> <p>16 Q. Did you have to go through Simon or</p> <p>17 Seilhamer?</p> <p>18 A. I stand corrected. The August 2001,</p> <p>19 I submitted a request through -- wait --</p> <p>20 Q. Don't talk out loud. Think of your</p> <p>21 answer, because she takes down even your</p> <p>22 thoughts leading up to your answer.</p> <p>23 Let me ask the question again.</p> <p>24 Listen to the question, please. Did you make</p> <p>25 the request yourself to talk to Evanko and</p>

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<p style="text-align: right;">Page 153</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 Miller, or did you go through someone?</p> <p>3 A. I requested myself through the chain</p> <p>4 of commands. For the personal meeting, I</p> <p>5 requested myself.</p> <p>6 Q. Now, you keep saying "the chain of</p> <p>7 command." Did you go and do it yourself, or</p> <p>8 did you have somebody through the chain of</p> <p>9 command contact Evanko's office or Miller's</p> <p>10 office and request it? Which is it?</p> <p>11 A. I did it myself by typing a letter.</p> <p>12 Q. Did you ever call yourself to</p> <p>13 Evanko's office?</p> <p>14 A. Never.</p> <p>15 Q. Did you ever call to Miller's</p> <p>16 office?</p> <p>17 A. Never.</p> <p>18 Q. Are you certain as you sit here</p> <p>19 under oath that Miller and Evanko's offices</p> <p>20 received your letter?</p> <p>21 A. I got a response back from</p> <p>22 Major Simon saying the commissioner refused or</p> <p>23 turned down my request to meet with him.</p> <p>24 Q. That would be the same Seilhamer</p> <p>25 that you're accusing of being a racially</p>	<p style="text-align: right;">Page 155</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 Erie?</p> <p>3 A. Correct.</p> <p>4 Q. You have two witnesses that are</p> <p>5 supporting your case in this matter. One is</p> <p>6 retired Captain Conley; is that correct?</p> <p>7 A. Correct.</p> <p>8 Q. And former employee Tyzinski?</p> <p>9 A. Retired Corporal Tyzinski, correct.</p> <p>10 MR. BRADLEY: I want to object</p> <p>11 to the characterization of supporting. Their</p> <p>12 depositions will speak for themselves.</p> <p>13 Q. You mentioned the name Todd Johnson.</p> <p>14 A. Yes.</p> <p>15 Q. Is he white or black?</p> <p>16 A. White.</p> <p>17 Q. If I understand correctly, he was</p> <p>18 the crime lieutenant?</p> <p>19 A. Correct.</p> <p>20 Q. He was out on some type of</p> <p>21 assignment, and you were being pulled in to</p> <p>22 replace him, or was that Brian Simpson in 1994?</p> <p>23 A. That was Brian Simpson.</p> <p>24 Q. The same Brian Simpson that you have</p> <p>25 attributed a racial remark to?</p>
<p style="text-align: right;">Page 154</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 motivated individual in this case?</p> <p>3 A. Yes.</p> <p>4 Q. Is Virginia Smith black or white?</p> <p>5 A. Black.</p> <p>6 Q. Is Marcy Robinson black or white?</p> <p>7 A. Black.</p> <p>8 Q. You worked through them on a number</p> <p>9 of occasions to try to resolve this matter?</p> <p>10 A. Correct.</p> <p>11 Q. It was unsuccessful?</p> <p>12 A. Correct. Both advised me that they</p> <p>13 had no real authority. That's why they both</p> <p>14 quit. Virginia retired and Marcy transferred.</p> <p>15 Q. Did you bring anyone to the PHRC</p> <p>16 meeting at the State Office building in</p> <p>17 Pittsburgh in 2001?</p> <p>18 A. Yes, Corporal Matthew Tyzinski.</p> <p>19 Q. The same Matthew Tyzinski that</p> <p>20 testified in this case?</p> <p>21 A. Yes.</p> <p>22 Q. Did you bring anyone else other than</p> <p>23 Matthew Tyzinski with you?</p> <p>24 A. No.</p> <p>25 Q. I assume that Hample is white, up in</p>	<p style="text-align: right;">Page 156</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 A. Correct.</p> <p>3 Q. Todd Johnson, if I understand</p> <p>4 correctly, was standing in for Mike Hample in</p> <p>5 Erie recently or at some point when you first</p> <p>6 got to Erie in 2001? Is that correct?</p> <p>7 A. He was standing in for Captain Erby</p> <p>8 Conley.</p> <p>9 Q. He's the one that started to</p> <p>10 implement your suspension?</p> <p>11 A. Correct.</p> <p>12 Q. He is white?</p> <p>13 A. Correct.</p> <p>14 (Short recess taken.)</p> <p>15 Q. Lieutenant, when I left off with</p> <p>16 you, let me pick up from there. If I</p> <p>17 understand your testimony, you are of the</p> <p>18 position in this case that your transfers in</p> <p>19 1994 that you talked about when you went from</p> <p>20 Mercer to Butler, that that was a form of</p> <p>21 discipline. Is that your position?</p> <p>22 A. Correct.</p> <p>23 Q. You feel the same way about your</p> <p>24 2000/2001 transfers from Mercer to Butler and</p> <p>25 Butler to Erie?</p>

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<p style="text-align: right;">Page 157</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 A. Absolutely, yes.</p> <p>3 Q. Now, it was your contention, am I</p> <p>4 correct, that this is all racially motivated by</p> <p>5 Mr. Seilhamer?</p> <p>6 A. Yes. He's the main perpetrator.</p> <p>7 Q. You had racial issues filed against</p> <p>8 him, if I understand you correctly, in the</p> <p>9 early 1990s?</p> <p>10 A. Correct.</p> <p>11 Q. What was your reasoning for not</p> <p>12 filing a lawsuit then when they gave you the</p> <p>13 right to sue letter?</p> <p>14 When the EEOC gave you the right to</p> <p>15 sue letter -- you may have answered this, but I</p> <p>16 just want to pursue this a little bit more --</p> <p>17 why didn't you file in that 90-day right to sue</p> <p>18 period they gave you?</p> <p>19 A. Well, I had not spoken to a civil</p> <p>20 rights attorney. Because of the time frame, I</p> <p>21 really thought that maybe the attitude would</p> <p>22 change and things would get better.</p> <p>23 Q. Let me ask you this. I assume it's</p> <p>24 your position they did not get better?</p> <p>25 A. No, they did not. They got worse.</p>	<p style="text-align: right;">Page 159</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 case, before Exhibit No. 1 was filed? Did you</p> <p>3 know how Mr. Conley felt about Mr. Seilhamer?</p> <p>4 A. Before April 2001?</p> <p>5 Q. Yes.</p> <p>6 A. No.</p> <p>7 Q. Now, even though Barry Titler's name</p> <p>8 appears on the paperwork transferring you from</p> <p>9 Butler to Erie, is it your position that to get</p> <p>10 to Titler, that matter had to go through</p> <p>11 Seilhamer?</p> <p>12 A. Correct.</p> <p>13 Q. Was that the ordinary chain of</p> <p>14 command that Captain Simon would have followed?</p> <p>15 A. Yes. Captain Simon needs the</p> <p>16 approval of Major Seilhamer to conduct that</p> <p>17 action. It has to go through him for his</p> <p>18 review.</p> <p>19 Q. What was the name of the son that</p> <p>20 you had to come get you for the 45-minute</p> <p>21 incident in Erie 2001?</p> <p>22 A. Damean.</p> <p>23 Q. That's D-A-M-O-N (sic)?</p> <p>24 A. It's D-A-M-E-A-N. Damean D.</p> <p>25 Williams.</p>
<p style="text-align: right;">Page 158</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 Q. Is it your testimony in this case</p> <p>3 that Mr. Seilhamer was aware of your race case</p> <p>4 in 1994?</p> <p>5 A. Absolutely.</p> <p>6 Q. How do you know that then</p> <p>7 Captain Seilhamer and now Major Seilhamer was</p> <p>8 aware of your filing a EEOC/PHRC charge in the</p> <p>9 1994, 1995 and 1996 period of time?</p> <p>10 A. The complaint went to the state</p> <p>11 police, and it was against him.</p> <p>12 Q. Did you ever sense a difference in</p> <p>13 the way he treated you from the time prior to</p> <p>14 the filing of the 1994 Complaint alleging race</p> <p>15 and the treatment you got after the expiration</p> <p>16 of your right to go to court expired?</p> <p>17 A. Well initially, he acted like he was</p> <p>18 more friendly. I was aware that he had made a</p> <p>19 few statements around the troop that he did not</p> <p>20 believe -- if he wanted to punish me or someone</p> <p>21 else, that he would not come at me directly, he</p> <p>22 would go through somebody else.</p> <p>23 Q. Did you know that Mr. Conley felt</p> <p>24 the way he did about Mr. Seilhamer being a</p> <p>25 racist before you filed your charges in the</p>	<p style="text-align: right;">Page 160</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 Q. Did he actually make it to Erie to</p> <p>3 come get you that day?</p> <p>4 A. Yes. Just as he was arriving,</p> <p>5 Lieutenant Johnson advised me that he had</p> <p>6 spoken to Harrisburg and canceled the</p> <p>7 suspension. Harrisburg recommended that I not</p> <p>8 serve the suspension because I filed a</p> <p>9 grievance.</p> <p>10 Q. Is it your contention in this case</p> <p>11 that Lieutenant Johnson's conduct was</p> <p>12 retaliatory or racially motivated?</p> <p>13 A. No. I can't say that by him. I</p> <p>14 think he was just following orders. No, I</p> <p>15 can't say that about Lieutenant Johnson.</p> <p>16 Q. Do you know from whom he got those</p> <p>17 orders, whether that was Seilhamer or from</p> <p>18 someone else? Do you know for a fact?</p> <p>19 A. I don't know.</p> <p>20 MR. SANDERS: Let's take a</p> <p>21 break.</p> <p>22 (Short recess taken.)</p> <p>23 Q. Back on the record. Lieutenant, you</p> <p>24 are currently in what position in Erie?</p> <p>25 A. Staff Lieutenant.</p>

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1 B. Williams - by Mr. Sanders
2 Q. Is the Erie office that you're
3 working out of now still under the Butler area?
4 A. Yes. It's under Area 4.
5 Q. Who's currently in charge of the
6 Butler area?
7 A. Major Terry Seilhamer.
8 Q. That has been the same throughout
9 the period of time from the time that you have
10 described today?
11 A. Yes, sir.
12 Q. Have you had any contact with
13 Major Seilhamer let's say in the last year or
14 he with you?
15 A. I believe, yes, I had two or three.
16 It was down in Punxsatawney at an Area 4
17 conference with the deputy commissioner. He
18 was there, and I was there. All of the
19 lieutenants from all of the areas were there
20 plus the deputy commissioner and the major.
21 That happens every three months.
22 Q. Other than those quarterly
23 situations, were you two in the same room or
24 conference, or have there been any other
25 occasions where the two of you had to deal with

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1 B. Williams - by Mr. Sanders
2 one another?
3 A. Not since I was transferred out of
4 Butler. When I was in Butler, his office was
5 three doors down.
6 Q. This position they made for you in
7 Butler in 2001, you called it special projects?
8 A. Special projects officer.
9 Q. When you were transferred to Erie,
10 did they replace you in Butler, to your
11 knowledge?
12 A. Not with a lieutenant. They may
13 have filled it later with a sergeant, but not
14 with a lieutenant.
15 Q. If I understand you correctly, you
16 were saying that in 1994 you were the victim of
17 discrimination when you know you were
18 reassigned to Butler, correct?
19 A. Correct.
20 Q. Who was in charge of the area at
21 that time?
22 A. Area 4, Major Vanderpool.
23 Q. Was Seilhamer or Simon in the area
24 or in the troop at that time at all?
25 A. Seilhamer was captain of Troop D.

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1 B. Williams - by Mr. Sanders
2 He was commanding officer.
3 Q. He was your direct supervisor?
4 A. Correct.
5 Q. What was the name of the officer --
6 I don't know that you gave us his name -- that
7 got most of the duties that went with that
8 position they claim?
9 A. Sergeant Al Brown.
10 Q. Is Al Brown white or black?
11 A. White.
12 Q. How long were you stuck in Butler
13 with Seilhamer in 1994?
14 A. Three months.
15 Q. Where had you been transferred from,
16 Mercer?
17 A. Mercer.
18 Q. What was your position when you were
19 transferred, station commander?
20 A. Correct.
21 Q. Who did your station commander
22 duties in Mercer in 1994 when you were brought
23 into Butler?
24 A. Sergeant David Julock.
25 Q. White or black?

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1 B. Williams - by Mr. Sanders
2 A. White.
3 Q. Now if I remember from this file,
4 there is a letter from the district attorney of
5 the Commonwealth of Pennsylvania County of
6 Mercer who did an investigation of the quota
7 issue and found there was none; is that
8 correct?
9 A. Correct.
10 Q. When you grieved the 1994 transfer
11 to Butler so that Brian Simpson could go do
12 what he needed to do for the FBI, did you claim
13 that you lost some money as a result of that?
14 A. Yes.
15 Q. Was that part of your grievance?
16 A. Yes.
17 Q. Did any part of your grievance at
18 that time result in anything favorable to you
19 or any finding in your favor or reimbursement?
20 A. Yes. The arbitrator ruled they had
21 to reimburse me for the travel time from Mercer
22 to Butler. It came out to about 101 or
23 110 hours of overtime. The total was \$4,385.
24 Q. What was this accusation about late
25 uniform wearing that you didn't get back to

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<p style="text-align: right;">Page 165</p> <p>1 B. Williams - by Mr. Sanders 2 talking to Mr. Bradley about? 3 A. All I know is that Captain Simon 4 told me that the FOP had told him that I on 5 occasion was late changing into my uniform from 6 civilian clothes. 7 Q. Did Seilhamer or Simon ever tell you 8 the name of this white woman that you allegedly 9 had in your patrol car, Lieutenant? 10 A. No. No name, not even the name of 11 my accuser or even a date or the year. 12 Q. Now, in this case you have sought 13 through subpoena some information about some of 14 the white troopers that made allegations 15 against you challenging their credibility, have 16 you not? 17 A. Correct. 18 Q. What are their names? 19 A. Corporal David Kelly, Corporal Ray 20 Meldar. 21 MR. CAMPBELL: Corporal? 22 THE WITNESS: Yes. He's a 23 corporal. He is the FOP president in Butler. 24 His position is a corporal. 25 Q. Anybody other than Kelly and Meldar?</p>	<p style="text-align: right;">Page 167</p> <p>1 B. Williams - by Mr. Sanders 2 has run into some difficulties himself? 3 A. Well, none from Mercer. 4 Q. Any from the area that Seilhamer 5 controls or supervises? 6 A. I requested documents relating to 7 the fight at the other station. 8 Q. Let's talk about Titler. His first 9 name is Barry? 10 A. I believe. We call him Barry, but I 11 think his real name is Robert Barry Titler. 12 Q. Is he white or black? 13 A. He's white. 14 Q. Have you come to know about -- and 15 by the way, if necessary, we will do what is 16 necessary under a confidentiality umbrella with 17 regards to this question I'm asking you about 18 Mr. Titler. 19 In the course of your employment 20 with the state police, have you become aware of 21 what you understand is an ongoing investigation 22 about Mr. Titler? 23 A. Yes. 24 Q. Is it your understanding that this 25 investigation is still ongoing?</p>
<p style="text-align: right;">Page 166</p> <p>1 B. Williams - by Mr. Sanders 2 A. None I can think of right now. 3 Q. With regards to Mr. Kelly, is he one 4 of the white troopers from the Mercer troop 5 that was part of the group making accusations 6 about your poor performance? 7 A. Yes. 8 Q. Is he white? 9 A. Yes. 10 Q. What is it that you have become 11 aware of concerning Mr. Kelly that you feel has 12 bearing on his credibility? 13 A. Could you rephrase the question? 14 Q. Is there something you have come to 15 know about David Kelly or Corporal Kelly or 16 whatever his title is that caused you to 17 subpoena information about any investigations 18 that are being done concerning him? 19 A. I submitted some documents as to his 20 allegations against me. He testified over the 21 telephone. The records he had of his testimony 22 of an alleged staff meeting at Mercer. 23 Q. What was the name of the other 24 officer that you feel you have information on 25 that was accusatory about you that you believe</p>	<p style="text-align: right;">Page 168</p> <p>1 B. Williams - by Mr. Sanders 2 A. Correct. 3 Q. Is this the same Mr. Titler that 4 signed off on the recommendation for discipline 5 against you that had been initiated by Simon 6 and Seilhamer in 2001? 7 A. Correct. 8 Q. What is your understanding that 9 Mr. Titler has done or was accused of? 10 A. The deputy commissioner of 11 administration Sue Transue has made an 12 allegation against him of committing perjury 13 during arbitration of a trooper. 14 Q. That Mr. Titler committed perjury? 15 A. Yes. 16 Q. How did you become aware of that? 17 A. I became aware of it through an 18 E-mail that an anonymous person in the state 19 police had sent me copies of it and news 20 articles from the Harrisburg paper; and also at 21 the monthly discussion, the lieutenant captain 22 at the Erie station. 23 I know there was a criminal 24 investigation and a pending internal 25 investigation.</p>

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<p style="text-align: right;">Page 169</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 Q. Just a few more questions,</p> <p>3 Lieutenant, and then I will turn it back over</p> <p>4 to Mr. Bradley or to Mr. Campbell. Have you</p> <p>5 received accommodations or awards over the</p> <p>6 years since you have been the station commander</p> <p>7 in Mercer?</p> <p>8 A. I have received a couple</p> <p>9 accommodations from the major about my</p> <p>10 activities when I, along with a group of</p> <p>11 corporals from Butler, prevented a guy from</p> <p>12 committing suicide with a shotgun.</p> <p>13 In another instance, I, with another</p> <p>14 trooper, engaged in a hot pursuit of a suspect</p> <p>15 who had committed a theft from the mall. I</p> <p>16 pursued him and apprehended and took a knife</p> <p>17 off of him. He put out a letter.</p> <p>18 Q. In this case, are you seeking</p> <p>19 reinstatement back to Mercer as the station</p> <p>20 commander, sir?</p> <p>21 A. Yes.</p> <p>22 Q. How much longer do you have until</p> <p>23 they force you to retire?</p> <p>24 A. December 24, 2005, next year.</p> <p>25 Q. Now, you attributed a number of</p>	<p style="text-align: right;">Page 171</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 attention in any of your conversations with</p> <p>3 him?</p> <p>4 A. No.</p> <p>5 Q. What about the two ladies that you</p> <p>6 sought help from, the two black EEOC persons,</p> <p>7 did you ever tell them about that?</p> <p>8 A. Virginia Smith, yes.</p> <p>9 Q. You did bring the Slappy issue to</p> <p>10 her attention?</p> <p>11 A. Yes.</p> <p>12 Q. Did you bring the property damage to</p> <p>13 her attention? The slashing and the black ink</p> <p>14 on the door and stuff like that, did you bring</p> <p>15 that to her attention?</p> <p>16 A. Oh, yes.</p> <p>17 Q. Do you recall the name of the state</p> <p>18 police officers, the employee name that you</p> <p>19 told Bryan and Scott about that told you that</p> <p>20 your manual was thrown in the trash? Do you</p> <p>21 remember the name of the person who told you</p> <p>22 that the folks in Butler had thrown that in the</p> <p>23 trash?</p> <p>24 A. I can't recall at this time.</p> <p>25 Q. Was it someone who worked in Butler?</p>
<p style="text-align: right;">Page 170</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 racial-motivated remarks to Major Seilhamer in</p> <p>3 this case. Other than the ones you have told</p> <p>4 us about today, are there any others that you</p> <p>5 can recall that either the major said in front</p> <p>6 of you or that you heard him say that you</p> <p>7 believe are derogatory concerning blacks?</p> <p>8 A. I'm sure there are other ones, but I</p> <p>9 can't think of them right now.</p> <p>10 Q. Did you bring the Cappy (sic) of</p> <p>11 what you characterized as a racially derogatory</p> <p>12 statement or word, did you ever bring that to</p> <p>13 the attention of --</p> <p>14 MR. CAMPBELL: Slappy.</p> <p>15 Q. I mean Slappy. Did you ever bring</p> <p>16 that racially derogatory comment or how you</p> <p>17 characterized it as racially derogatory to</p> <p>18 either Simon or Seilhamer that it was being</p> <p>19 used at the Mercer station in any of your</p> <p>20 conversations with them?</p> <p>21 A. I may have brought it to the</p> <p>22 attention of Major Seilhamer when he was a</p> <p>23 troop commander, but I don't recall ever</p> <p>24 bringing it to the attention of Captain Simon.</p> <p>25 Q. Did you bring it to Erby Conley's</p>	<p style="text-align: right;">Page 172</p> <p>1 B. Williams - by Mr. Sanders</p> <p>2 A. Yes.</p> <p>3 Q. Did you ever keep a copy of that</p> <p>4 manual that you worked on for the</p> <p>5 five-and-a-half months that you were in Butler</p> <p>6 in 2000 to 2001?</p> <p>7 A. No. I don't have it now. It was in</p> <p>8 my computer at work for a number of years since</p> <p>9 then, but probably about a year ago, it was</p> <p>10 deleted.</p> <p>11 Q. Were you updating the manual or were</p> <p>12 you starting from scratch?</p> <p>13 A. Starting from scratch.</p> <p>14 Q. The individuals that are being</p> <p>15 disrespectful to you now in Erie, are they all</p> <p>16 white?</p> <p>17 A. They're all white. In fact, one of</p> <p>18 them was in Mercer. I had written him up for</p> <p>19 being disrespectful in Mercer in 1995.</p> <p>20 Q. What's that person's name?</p> <p>21 A. Steven Farabaugh.</p> <p>22 Q. How do you spell the last name?</p> <p>23 A. F-A-R-A-B-A-U-G-H.</p> <p>24 Q. Is it your position in this case</p> <p>25 that your request to be transferred to</p>

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1 B. Williams - by Mr. Sanders
2 New Castle that was rejected by Seilhamer in
3 2000 and 2001 while you were serving that
4 five-and-a-half months in Butler was a form of
5 harassment or retaliation?
6 A. Yes.
7 Q. What position were you seeking
8 transfer to?
9 A. Station commander, New Castle.
10 Q. Was there a vacancy or an opening
11 for that?
12 A. Yes.
13 Q. Was it eventually filled?
14 A. Yes.
15 Q. Was it filled after you arrived in
16 Erie or before you left Butler?
17 A. It was filled while I was in Butler.
18 Q. By whom?
19 A. Lieutenant Robert Martin.
20 Q. Lieutenant Robert Martin, is he
21 black or white?
22 A. He is white. They allowed him to
23 transfer in from Troop C.
24 Q. Now, do I understand you to say that
25 there was a meeting of your staff in Mercer

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1 B. Williams - by Mr. Sanders
2 conducted by Simon and/or Seilhamer without you
3 being present?
4 A. Yes.
5 Q. Was that the same period of time you
6 told Scott and Bryan when the order came down
7 for you to be limited to the time you could
8 spend in Mercer?
9 A. That meeting triggered that order.
10 Q. Were you permitted to speak at that
11 meeting on your own behalf?
12 A. I was ordered not to be at the
13 station during that time.
14 Q. But Matthew was there?
15 A. He was at the second meeting with
16 the corporal, right. If I may, they scheduled
17 the meeting on his day off. They purposely
18 chose a day when he was off.
19 Q. We're talking about
20 Matthew Tyzinski?
21 A. Correct, but he did show up. He
22 came in on his day off to attend the meeting.
23 Q. He testified about what happened?
24 A. Yes.
25 MR. SANDERS: That's all I

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1 B. Williams - by Mr. Bradley
2 have right now.
3 MR. BRADLEY: I have several
4 more questions for you.
5 -----
6 EXAMINATION
7 BY MR. BRADLEY:
8 Q. With regard to the Slappy comments,
9 did you ever request Captain Seilhamer or
10 Captain Simon to conduct an investigation or do
11 a BPR to determine who was using that term?
12 A. I don't recall at this time.
13 Q. Mr. Sanders asked you if you could
14 recall any more racially derogatory remarks
15 made by Major Seilhamer. You said you could
16 not recall any at this time. Could you refresh
17 my memory as to any racially derogatory remarks
18 you have attributed to Major Seilhamer?
19 A. He called Mercer station the black
20 hole in 1998.
21 Q. Is there any other remarks?
22 A. Not at this time.
23 Q. This is more for the record. A
24 number of times, the comment has been made that
25 you are forced to retire at the end of next

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1 B. Williams - by Mr. Bradley
2 year.
3 A. Yes, they --
4 MR. SANDERS: Let him ask the
5 question.
6 Q. What is the rule with regard to
7 retirement in the state police?
8 A. You have to retire when you turn 60.
9 Q. That rule applies to everyone; is
10 that correct?
11 A. Correct.
12 Q. You're not being singled out by
13 being forced to retire?
14 A. No.
15 Q. You mentioned several
16 accommodations. You said that they were from a
17 major, but you didn't identify the major.
18 Would that be Major Seilhamer?
19 A. It was a letter. He sent a letter
20 saying congratulations for a job well done.
21 Q. This was from Major Seilhamer?
22 A. Correct.
23 Q. Have you ever met Captain Titler?
24 A. Yes.
25 Q. In what circumstances?

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<p style="text-align: right;">Page 177</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. I have seen him at different</p> <p>3 training events over the years. I have known</p> <p>4 him probably 20 years or so.</p> <p>5 Q. Did you ever have any interaction</p> <p>6 with him regarding your job performances other</p> <p>7 than him issuing the discipline sanction?</p> <p>8 A. No.</p> <p>9 Q. Are you suggesting that his decision</p> <p>10 to set forth a ten-day suspension and a</p> <p>11 disciplinary transfer was racially motivated?</p> <p>12 A. Yes, in my opinion.</p> <p>13 Q. What do you base that on other than</p> <p>14 the fact that it happened?</p> <p>15 A. He and the state police were</p> <p>16 treating me different than any other commander.</p> <p>17 The fact that he allowed Captain Simon to</p> <p>18 include stuff -- he basically -- or his</p> <p>19 punishment was based on investigation. That</p> <p>20 investigation had stuff and information in</p> <p>21 there which was not part of the investigation.</p> <p>22 For example, Captain Simon put in</p> <p>23 some comments, some negative comments about me</p> <p>24 and my work performance when the internal</p> <p>25 investigation was supposed to be about this</p>	<p style="text-align: right;">Page 179</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 something about performance.</p> <p>3 Q. Other than the fact that</p> <p>4 Captain Titler signed the order imposing the</p> <p>5 discipline, do you have any evidence of any</p> <p>6 statement or action or document or comment made</p> <p>7 that you heard from a third party that would</p> <p>8 support your claim of racial discrimination by</p> <p>9 Captain Titler?</p> <p>10 A. None I can think of right now.</p> <p>11 Q. Do you know how many black</p> <p>12 lieutenants were in Area 4 in 1994?</p> <p>13 A. Yes, one. Me.</p> <p>14 Q. In 2000, do you know how many black</p> <p>15 lieutenants where in Area 4?</p> <p>16 A. Two.</p> <p>17 Q. Does that include you?</p> <p>18 A. Correct.</p> <p>19 Q. Who would the other one be?</p> <p>20 A. Rodney Patterson.</p> <p>21 Q. What was his position?</p> <p>22 A. Station Commander B. I believe he</p> <p>23 got promoted in 2000.</p> <p>24 Q. In 2001, how many black lieutenants</p> <p>25 were in Area 4?</p>
<p style="text-align: right;">Page 178</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 quota investigation. In the report are all</p> <p>3 these lies and innuendos about my poor work</p> <p>4 performance.</p> <p>5 The state police had a special order</p> <p>6 out, an AR-425, that states that if any poor</p> <p>7 work performance is discovered during an</p> <p>8 internal investigation, you are required -- or</p> <p>9 two commanders shall conduct a separate</p> <p>10 investigation of any alleged poor work</p> <p>11 performance.</p> <p>12 Captain Simon and the major did not</p> <p>13 do that. The commissioner of the state police</p> <p>14 did not do that. My opinion is Captain Titler</p> <p>15 was well aware of that because that should have</p> <p>16 been part of the record. As part of the</p> <p>17 personal meeting, he allowed that to stay in</p> <p>18 there to serve as part of punishment of me.</p> <p>19 Q. Does the discipline order indicate</p> <p>20 that the suspension is for a particular</p> <p>21 transgression or the disciplinary transfer is</p> <p>22 for a particular transgression?</p> <p>23 A. I don't have the report. It lists</p> <p>24 about three or four different things,</p> <p>25 unbecoming conduct, obeying unlawful laws,</p>	<p style="text-align: right;">Page 180</p> <p>1 B. Williams - by Mr. Bradley</p> <p>2 A. One because I was transferred out of</p> <p>3 Troop D. I was transferred to Erie.</p> <p>4 Q. I'm talking about Area 4.</p> <p>5 A. Still two.</p> <p>6 Q. The same two?</p> <p>7 A. Yes.</p> <p>8 Q. As of today, how many black</p> <p>9 lieutenants are in Area 4?</p> <p>10 A. One, me.</p> <p>11 Q. Lieutenant Patterson is no longer a</p> <p>12 lieutenant?</p> <p>13 A. He's a captain now. He's in</p> <p>14 Harrisburg.</p> <p>15 Q. You've talked about being</p> <p>16 transferred because of a shoving match. Is the</p> <p>17 only reason you were transferred because of the</p> <p>18 shoving match?</p> <p>19 A. Captain Simon testified that --</p> <p>20 MR. SANDERS: First you have</p> <p>21 to answer, and then you can explain.</p> <p>22 A. Yes, there was. Wait. Can you</p> <p>23 rephrase the question?</p> <p>24 Q. You talked about being transferred</p> <p>25 because of a shoving match. With respect to</p>

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<p style="text-align: right;">Page 181</p> <p>1 B. Williams - by Mr. Bradley 2 that transfer, and I believe that's the 3 transfer to Butler in 2000, was the shoving 4 match the only reason you were transferred in 5 your opinion? 6 A. In my opinion, that's what was told 7 to me by Captain Simon. 8 MR. SANDERS: That's not what 9 he is asking you. He is asking you what you 10 believe. 11 A. No. I think what I believe is that 12 wasn't the reason. I believe I was being 13 transferred for discrimination purposes. The 14 fight, it was such a minor fight. It took 15 place when I wasn't even working. Clearly it 16 was a false -- he was giving me a false reason 17 for transferring me. 18 Q. You indicated that that was not the 19 only reason he gave for transferring you? 20 A. Correct. He stated that a 21 Trooper Wolfson had told Sergeant Julock that 22 he did not want to speak with me. Since that 23 was insubordination, he said for those 24 two reasons that I lost control of Mercer 25 station.</p>	<p style="text-align: right;">Page 183</p> <p>1 B. Williams - by Mr. Campbell 2 A. Correct. 3 MR. SANDERS: That's all I 4 have. 5 (Discussion held off the 6 record.) 7 Q. The Patterson that you mentioned 8 earlier, Rodney Patterson, has a brother? 9 A. Yes. 10 Q. What is Rodney Patterson's brother's 11 first name? 12 A. Greg Patterson was the lieutenant I 13 replaced at Mercer. 14 MR. SANDERS: Thank you. 15 That's all I have right now. 16 ----- 17 EXAMINATION 18 BY MR. CAMPBELL: 19 Q. Lieutenant Williams, you filed a 20 suit against the Troopers Association. It's 21 Civil Action No. 03-130 E. How long have you 22 been a member of the Troopers Association? 23 A. Since about 1970. 24 Q. Is a condition of employment for 25 being employed by the Pennsylvania State Police</p>
<p style="text-align: right;">Page 182</p> <p>1 B. Williams - by Mr. Sanders 2 MR. BRADLEY: That's all the 3 questions I have. Thank you. 4 MR. SANDERS: One follow-up. 5 ----- 6 EXAMINATION 7 BY MR. SANDERS: 8 Q. If I understand you correctly, one 9 major difference between you and Rodney 10 Patterson is that you're a black individual who 11 brought race charges against a white major who 12 at the time was a captain in the mid 1990s, and 13 Rodney did not. 14 A. Correct. 15 Q. You also heard that Erby Conley 16 testified in this case. He felt that the 17 Major, formally Captain, Seilhamer was a 18 racist? 19 A. Correct. 20 Q. Erby also said that he himself had 21 never brought formal charges against Seilhamer, 22 correct? 23 A. Correct. 24 Q. Now, Rodney is away from Seilhamer, 25 and he is in Harrisburg?</p>	<p style="text-align: right;">Page 184</p> <p>1 B. Williams - by Mr. Campbell 2 that you be a member of the Troopers 3 Association? 4 A. No, but they do have the right to 5 take money from my paycheck for what's called a 6 fair share for bargaining purposes. 7 Q. You do belong to the Troopers 8 Association? 9 A. Correct. 10 Q. Now, you had mentioned in your 11 testimony about the Fraternal Order of Police 12 Lodge. I think the number was 54? 13 A. 54, Butler. 14 Q. What's the relationship between the 15 Fraternal Order of Police Lodge 54 and the 16 Troopers Association? 17 A. Lodge 54, Fraternal Order of Police 18 is part of the PSTA. 19 Q. Let me ask you this question. Is 20 Lodge 54 and its membership limited to state 21 troopers, or are there members of that lodge 22 that may belong to local municipal forces? 23 A. They are all state troopers. 24 Q. They are all state troopers. Are 25 they restricted to a particular area of</p>

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<p style="text-align: right;">Page 185</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Pennsylvania, the members?</p> <p>3 A. I don't understand the question.</p> <p>4 Q. In other words, Lodge 54, does that</p> <p>5 just take in Area 4 or others?</p> <p>6 A. Butler, Lodge 54 just covers the</p> <p>7 troopers in Butler.</p> <p>8 Q. If you're a trooper in Mercer or</p> <p>9 Erie, you're not a member of Lodge 54?</p> <p>10 A. Butler troop is Troop D. In Mercer,</p> <p>11 you're part of Troop D. In Erie, you would be</p> <p>12 in Lodge 48.</p> <p>13 Q. Now, you mentioned during your</p> <p>14 testimony that you had a prior grievance that</p> <p>15 was filed in 1994, and this dealt with a</p> <p>16 transfer; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. Was that processed by the Troopers</p> <p>19 Association to a hearing before an arbitrator?</p> <p>20 A. Yes, after three years.</p> <p>21 Q. I think you said that you did make</p> <p>22 some recovery for a dollar amount as a result</p> <p>23 of mileage that you had to drive?</p> <p>24 A. Mileage and the overtime for the</p> <p>25 drive from Mercer to Butler, the amount of time</p>	<p style="text-align: right;">Page 187</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. I'm talking about the joined ones.</p> <p>3 A. The two groups?</p> <p>4 Q. Yes, the two groups.</p> <p>5 A. Yes. In 1994 I also filed D-136</p> <p>6 against Major Seilhamer.</p> <p>7 Q. What was the nature of your</p> <p>8 grievance at that time?</p> <p>9 A. I mentioned where a PCO said I lied</p> <p>10 during an arbitration. Major Seilhamer</p> <p>11 punished me, and I grieved the punishment.</p> <p>12 Q. What was the outcome of the</p> <p>13 grievance?</p> <p>14 A. They decided to settle without going</p> <p>15 to arbitration and changed the determination</p> <p>16 from nonsustained to unfounded.</p> <p>17 Q. That didn't actually get to a</p> <p>18 hearing stage. It was settled by the parties</p> <p>19 prior to that?</p> <p>20 A. Correct, because I found some</p> <p>21 additional information and sent it to him.</p> <p>22 Q. Again, the association at least</p> <p>23 processed it to that step?</p> <p>24 A. Correct.</p> <p>25 Q. Now, in relation to your transfer, I</p>
<p style="text-align: right;">Page 186</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 it took.</p> <p>3 Q. Now, have you filed any other</p> <p>4 grievances other than the two that are at issue</p> <p>5 in this particular lawsuit, and the one we just</p> <p>6 talked about in 1994? Have you had occasion to</p> <p>7 file any other grievances?</p> <p>8 A. Grievance D-140 I combined with 138.</p> <p>9 138 was the transfer. 140 was once I got</p> <p>10 there, they stripped my duties and denied me</p> <p>11 overtime for the murder investigation.</p> <p>12 Q. In 1994, you had two grievances that</p> <p>13 were both joined together for purposes of the</p> <p>14 hearing?</p> <p>15 A. Right, correct.</p> <p>16 Q. What happened in the case that we</p> <p>17 have before us today is that you filed</p> <p>18 two grievances, and they were both joined for</p> <p>19 purposes of the hearing?</p> <p>20 A. Yes.</p> <p>21 Q. My question is other than those</p> <p>22 two grievance procedures, have you filed any</p> <p>23 other grievances against the state police?</p> <p>24 A. When you say "two," are you talking</p> <p>25 about the two --</p>	<p style="text-align: right;">Page 188</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 think the grievance that you filed there has</p> <p>3 been labeled D-200?</p> <p>4 A. Yes. That's the transfer from</p> <p>5 Mercer to Butler.</p> <p>6 Q. Right. In that particular</p> <p>7 grievance, what you were contesting was this</p> <p>8 September 11, 2000 transfer from Troop D,</p> <p>9 Mercer to Troop D, Butler; is that correct?</p> <p>10 A. That and reimbursement for the</p> <p>11 travel costs for time-and-a-half.</p> <p>12 Q. One of the contentions in your</p> <p>13 grievance was that this was really a</p> <p>14 disciplinary transfer?</p> <p>15 A. Correct.</p> <p>16 Q. What you sought as a remedy was that</p> <p>17 you wanted to be transferred back to Mercer as</p> <p>18 the station commander --</p> <p>19 A. Correct. If I may correct one</p> <p>20 thing.</p> <p>21 Q. Let me finish my question, and then</p> <p>22 you can add something. Let me go back and ask</p> <p>23 the question again.</p> <p>24 What you were seeking as a remedy</p> <p>25 when you prepared that grievance was that you</p>

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<p style="text-align: right;">Page 189</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 wanted to be transferred back to Mercer into</p> <p>3 the position you had before which was the</p> <p>4 station commander?</p> <p>5 A. Correct.</p> <p>6 Q. In addition, you wanted some</p> <p>7 overtime pay for the extra commuting time from</p> <p>8 your home in Erie to Butler?</p> <p>9 A. Correct.</p> <p>10 Q. Was there any other remedy that you</p> <p>11 wanted with this one particular grievance which</p> <p>12 has been labeled D-200?</p> <p>13 A. I want any negative connotation</p> <p>14 removed from my personnel file, and I also</p> <p>15 indicated that I filed for violations of my</p> <p>16 civil rights, discrimination.</p> <p>17 Q. When you say for your violation of</p> <p>18 civil rights, you mean as a grievance, through</p> <p>19 the grievance procedure?</p> <p>20 A. Yes. Under the disciplinary system,</p> <p>21 they said it was a disciplinary transfer, but</p> <p>22 in the body of that grievance, I also listed</p> <p>23 that I was grieving it because of</p> <p>24 discrimination and violation of my civil</p> <p>25 rights.</p>	<p style="text-align: right;">Page 191</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. Of course, you spent some time in</p> <p>3 the Service, but this has always been your</p> <p>4 residence?</p> <p>5 A. Correct. Actually, that's not</p> <p>6 correct. When I was stationed in Butler, I</p> <p>7 lived in New Castle.</p> <p>8 Q. Did you still have a residence in</p> <p>9 Erie though?</p> <p>10 A. No.</p> <p>11 Q. You sold your house here and moved?</p> <p>12 A. I rented an apartment.</p> <p>13 Q. Are you married?</p> <p>14 A. No.</p> <p>15 Q. You mentioned that you had children.</p> <p>16 A. Yes.</p> <p>17 Q. You were married at some time?</p> <p>18 A. No.</p> <p>19 Q. You have never been married?</p> <p>20 A. Never.</p> <p>21 Q. How many children do you have?</p> <p>22 A. Eight.</p> <p>23 Q. Are they all by the same woman?</p> <p>24 A. No.</p> <p>25 Q. By different women?</p>
<p style="text-align: right;">Page 190</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. Did you draft the grievance?</p> <p>3 A. Yes. I wrote it.</p> <p>4 Q. Now, the procedere is when you draft</p> <p>5 the grievance, what is the next step?</p> <p>6 A. You have 15 days to submit it to the</p> <p>7 Bureau of Labor Relations in Harrisburg. At</p> <p>8 that time, you also have five days to submit a</p> <p>9 copy to the union PSDA.</p> <p>10 Q. When you submit a grievance, is that</p> <p>11 subject to approval by the Troopers Association</p> <p>12 as a valid grievance, a matter that they're</p> <p>13 willing to process and ultimately if necessary</p> <p>14 take to a hearing?</p> <p>15 A. Yes.</p> <p>16 Q. Now, you had testified earlier that</p> <p>17 you originally were born in Mississippi, but at</p> <p>18 some time in your life, you apparently moved to</p> <p>19 Erie, Pennsylvania; is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. When was that?</p> <p>22 A. Six months old.</p> <p>23 Q. Have you lived in Erie since you</p> <p>24 were six months old?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 192</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 A. Yes.</p> <p>3 Q. Have you lived with any of these</p> <p>4 women in Erie?</p> <p>5 A. No.</p> <p>6 Q. Do any of the children live with</p> <p>7 you?</p> <p>8 A. No. I'm with them a lot.</p> <p>9 Q. I'm sorry. I didn't hear you.</p> <p>10 A. I'm with them a lot, but they live</p> <p>11 with their mothers.</p> <p>12 Q. So you live alone?</p> <p>13 A. Correct.</p> <p>14 Q. Do each of the children have a</p> <p>15 separate mother?</p> <p>16 A. Three separate mothers.</p> <p>17 Q. Now, from your residence in Erie,</p> <p>18 what is the driving distance to the station in</p> <p>19 Mercer where you were working?</p> <p>20 A. 68 miles.</p> <p>21 Q. Is that one way?</p> <p>22 A. One way, correct.</p> <p>23 Q. What is the distance from your home</p> <p>24 to the station in Butler to which you were</p> <p>25 transferred?</p>

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<p style="text-align: right;">Page 193</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 A. It was another 55 miles.</p> <p>3 Q. So that's an additional 55 miles</p> <p>4 over the 68?</p> <p>5 A. Correct. I had to drive past Mercer</p> <p>6 to get to Butler.</p> <p>7 Q. When you were in Butler, in effect,</p> <p>8 you were driving in excess of 100 miles a day</p> <p>9 one way?</p> <p>10 A. 55 miles additional one way. On the</p> <p>11 return trip back it was another -- both ways it</p> <p>12 was an additional 100 miles.</p> <p>13 Q. Correct. So you were spending a</p> <p>14 good part of each day actually driving to and</p> <p>15 from work?</p> <p>16 A. Correct.</p> <p>17 Q. As long as you obeyed the speed</p> <p>18 limit?</p> <p>19 A. Yes.</p> <p>20 Q. Now, the second grievance which you</p> <p>21 filed, that was as a result of your getting</p> <p>22 your note that you were to be suspended and</p> <p>23 transferred for a second time?</p> <p>24 A. Correct.</p> <p>25 Q. I have a date of January 2, 2001, as</p>	<p style="text-align: right;">Page 195</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. In addition, you requested that</p> <p>3 there be an investigation done of the people</p> <p>4 that were basically making accusations against</p> <p>5 you at the Mercer station.</p> <p>6 A. Correct.</p> <p>7 Q. Again, that grievance went through</p> <p>8 the procedure and ultimately had to go to the</p> <p>9 Troopers Association for processing; is that</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. Now, at some point, the Association</p> <p>13 approved taking both of those matters, both of</p> <p>14 your grievances, to binding arbitration; is</p> <p>15 that correct?</p> <p>16 A. They first denied it and then</p> <p>17 approved it.</p> <p>18 Q. With that approval, they also</p> <p>19 provided you with an attorney, a Mr. Tony</p> <p>20 Caputo?</p> <p>21 A. For the arbitration?</p> <p>22 Q. Yes.</p> <p>23 A. Yes.</p> <p>24 Q. That is the procedure. The</p> <p>25 Association had hired a law firm in Harrisburg,</p>
<p style="text-align: right;">Page 194</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 to when they informed you that you were to be</p> <p>3 suspended for ten days, and then you would be</p> <p>4 transferred from Butler to Erie. Is that</p> <p>5 correct in terms of what you were grieving?</p> <p>6 Somebody gave you notice that there is a</p> <p>7 ten-day suspension, and in addition, you're</p> <p>8 being transferred for disciplinary reasons?</p> <p>9 A. I saw something dated January 2 and</p> <p>10 January 4, but my official notification was</p> <p>11 that Captain Simon --</p> <p>12 MR. SANDERS: He's not getting</p> <p>13 hung up on that.</p> <p>14 MR. CAMPBELL: No.</p> <p>15 MR. SANDERS: He's just asking</p> <p>16 you if that's what you were grieving over.</p> <p>17 A. Yes, that's what I'm grieving over.</p> <p>18 Q. Again, when you found out about</p> <p>19 that, you prepared a grievance. What you were</p> <p>20 seeking as a remedy was that you disputed that</p> <p>21 you should not be suspended at all.</p> <p>22 A. Yes.</p> <p>23 Q. You also wanted to be transferred</p> <p>24 back to Mercer.</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 196</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Lightman & Welby. That's the firm that</p> <p>3 represents the Troopers Association. If you</p> <p>4 ask for their legal assistance, they assign one</p> <p>5 of those attorneys to present the grievance.</p> <p>6 A. I didn't ask for it. The union</p> <p>7 asked for it, not me.</p> <p>8 Q. I'm sorry. I just want to get this</p> <p>9 clear. You filed the grievance?</p> <p>10 A. Right.</p> <p>11 Q. What you were asking the association</p> <p>12 to do was to process the grievance, and if</p> <p>13 necessary, take it to binding arbitration?</p> <p>14 A. Correct.</p> <p>15 Q. They ultimately agreed to do that.</p> <p>16 In doing that, they also provided you with</p> <p>17 legal counsel.</p> <p>18 A. Correct.</p> <p>19 Q. Through the association.</p> <p>20 A. Correct.</p> <p>21 Q. Now, you didn't pay that attorney.</p> <p>22 The association was going to pay the attorney.</p> <p>23 A. Correct.</p> <p>24 Q. Now, there was an arbitrator that</p> <p>25 was selected in order to hear your</p>

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<p style="text-align: right;">Page 197</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 two grievances. I think the gentleman's name</p> <p>3 was Simonnett. Is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. Was he an African-American?</p> <p>6 A. I believe so.</p> <p>7 Q. He appeared to be to you?</p> <p>8 A. Yes.</p> <p>9 Q. One of the things that I think you</p> <p>10 made clear in your testimony today was that the</p> <p>11 situation you faced in Mercer was that you had</p> <p>12 a Captain Simon who was your supervisor, and</p> <p>13 who you believed wasn't treating you fairly.</p> <p>14 Would that be a correct statement of what you</p> <p>15 said?</p> <p>16 A. I believe he wasn't treating me</p> <p>17 fairly upon directions from Major Seilhamer.</p> <p>18 Q. You don't believe then that</p> <p>19 Captain Simon had any personal animosity</p> <p>20 towards you. Would that be correct?</p> <p>21 A. I would not know.</p> <p>22 Q. Did the two of you ever have any</p> <p>23 conversations or discussion that would lead you</p> <p>24 to believe that he personally was against you</p> <p>25 or didn't like you?</p>	<p style="text-align: right;">Page 199</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 getting out of Mercer County, and I asked him</p> <p>3 specifically if the major was aware of it.</p> <p>4 He advised me that he had cleared it</p> <p>5 with the major, the major was fully aware of</p> <p>6 what he was doing to me. I personally told the</p> <p>7 major about the situation in July 14, 2000. I</p> <p>8 asked in writing and verbally, I asked him to</p> <p>9 please put a stop to the illegal treatment and</p> <p>10 harassment. He failed to do that.</p> <p>11 Q. So the situation you're faced with</p> <p>12 then is that your immediate supervisor and the</p> <p>13 next highest ranking supervisor, it appears</p> <p>14 that they're being unfair or discriminatory</p> <p>15 towards you?</p> <p>16 A. Correct.</p> <p>17 Q. Now I think, according to your</p> <p>18 testimony, you listed a number of names that</p> <p>19 while you were at Mercer there were also people</p> <p>20 that were under you or your command,</p> <p>21 specifically, Sergeant Anderson and</p> <p>22 Corporals Whelan, Rossman and Kelly, who</p> <p>23 appeared to be making what you believe to be</p> <p>24 false accusations or allegations about the way</p> <p>25 you were running the troop and things you were</p>
<p style="text-align: right;">Page 198</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 A. I never had a conversation, so I</p> <p>3 don't know.</p> <p>4 Q. Now, your testimony has been that</p> <p>5 his supervisor, Major Seilhamer, was really</p> <p>6 behind the problems that you were having.</p> <p>7 Other than your belief, do you have</p> <p>8 any objective evidence such as a document or a</p> <p>9 conversation that you may have had that would</p> <p>10 indicate he was manipulating Captain Simon?</p> <p>11 A. Yes.</p> <p>12 Q. What is that?</p> <p>13 A. August 1999, the week before the</p> <p>14 first meeting at Mercer station. Major</p> <p>15 Seilhamer called me into his office. I was in</p> <p>16 Butler for another reason. He saw me and</p> <p>17 called me into his office. He advised me that</p> <p>18 he was going to direct Captain Simon to visit</p> <p>19 my station and have a meeting with the members</p> <p>20 at Mercer station due to a complaint from</p> <p>21 Ray Meldar, FOP president.</p> <p>22 Q. Is that it?</p> <p>23 A. When I asked Captain Simon in</p> <p>24 September about him punishing me by not</p> <p>25 allowing me to visit the station after dark and</p>	<p style="text-align: right;">Page 200</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 doing. Is that also correct?</p> <p>3 A. They were absolutely false</p> <p>4 accusations.</p> <p>5 MR. SANDERS: He is asking you</p> <p>6 if that was correct?</p> <p>7 A. That's correct, yes.</p> <p>8 Q. Then even below those ranks, there</p> <p>9 were numerous troopers who were also filing</p> <p>10 complaints through the union or somehow to your</p> <p>11 supervisors complaining about how you were</p> <p>12 running the station.</p> <p>13 A. Correct.</p> <p>14 Q. Basically, you had a situation where</p> <p>15 of all the people under your command -- there</p> <p>16 was really only one person who was a supporter</p> <p>17 of yours, and that was Corporal Tyzinski?</p> <p>18 A. Totally false.</p> <p>19 Q. Totally false?</p> <p>20 A. I had 50 people at Mercer station.</p> <p>21 The problem area was from about 20 or 25 of</p> <p>22 them.</p> <p>23 Q. Now, in February of the year 2000,</p> <p>24 did you give some indication to the people</p> <p>25 under your command that you were dissatisfied</p>

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1 B. Williams - by Mr. Campbell
2 with the performance of some of them?
3 A. In February?
4 Q. Yes, February of the year 2000.
5 Maybe I can give you some examples. Reports
6 weren't being completed on time. You felt
7 there was some overtime abuse. The patrol
8 mileage was low, and the citation stats were
9 low.
10 A. I believe I mentioned a few things
11 at a staff meeting on February 2 or February 3.
12 I directed the sergeant to handle the problem
13 and talk to the troopers.
14 Q. Also, February 1, 2001, did you
15 eliminate the midnight shift at Mercer?
16 A. Yes.
17 Q. Do you feel that that was unpopular
18 with the people that had been working that
19 shift?
20 A. It was very unpopular. I knew that
21 when I issued the order.
22 Q. At some point in time,
23 Corporal Whelan, who we mentioned before, he
24 met with the troopers and basically told some
25 of them that they were on an unacceptable list.

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1 B. Williams - by Mr. Campbell
2 By that, I mean in terms of their performance,
3 citations they were writing and things like
4 that. Is that correct?
5 A. That's what he said in the letter to
6 me.
7 Q. Now, at some point, did
8 Captain Simon then instruct you to issue what's
9 called a supervisor's notation to Corporal
10 Whelan, not disciplining him, but sort of
11 counseling him on that that was unacceptable?
12 A. Sort of. I was already in the
13 process of doing that when he mentioned that.
14 I advised him of that.
15 Q. What was it that the corporal was
16 doing that you felt was unacceptable?
17 A. He had that meeting with the
18 troopers and was discussing a number of 20, to
19 issue 20 citations was unacceptable.
20 Q. This is sort of where the idea of
21 the imposed quota started from?
22 A. Yes. I gave him the supervisor's
23 notation and then immediately upon me giving
24 him the supervisor's notation, then the
25 allegation was made against me.

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1 B. Williams - by Mr. Campbell
2 Q. That's a situation where it's a form
3 of corrective action, but it's short of the
4 disciplinary procedure where somebody gets a
5 written reprimand or an oral reprimand or even
6 a suspension. Would that be correct, a
7 supervisor's notation, that's a term of art?
8 A. Can you say that again?
9 Q. There's a form. It's called a
10 supervisor's notation.
11 A. It's not a formal form of
12 discipline.
13 Q. It's like counseling?
14 A. Correct.
15 Q. It's like telling them, look, you
16 didn't handle that properly.
17 A. Correct.
18 Q. Apparently, Corporal Whelan was
19 upset with that, and then he filed a written
20 response?
21 A. Correct.
22 Q. Now, what brought the quota system
23 to a head was one of the troopers under your
24 command, Trooper Perrine, he went to a private
25 attorney, an Attorney Cline. Apparently,

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1 B. Williams - by Mr. Campbell
2 Attorney Cline then sent a letter to
3 Captain Simon and complained about unlawful
4 quotas at the station?
5 A. No. What brought it to a head was
6 right after I gave Corporal Whelan the
7 supervisor's notation, that very day within a
8 matter of an hour, Corporal David Kelly made a
9 complaint over to Ray Meldar. I believe he
10 E-mailed him an E-mail alleging that Whelan was
11 following my order. That's what started it.
12 That was on the 9th, the same day I
13 gave Whelan the supervisor's notation. The
14 attorney letter was dated the next day, the
15 10th.
16 Q. Basically, what happened now was
17 that your professional responsibility within
18 the Pennsylvania State Police, they started an
19 investigation. I think the district attorney
20 of Mercer County at some point in time even
21 investigated the allegation that there was some
22 imposed quota of citations?
23 A. Correct. The district attorney
24 called me down to his office.
25 Q. Ultimately, the district attorney

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<p style="text-align: right;">Page 205</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 issued a finding that he didn't find anybody in</p> <p>3 the troop that was guilty of, or he wasn't</p> <p>4 going to press any charges on the basis that</p> <p>5 anybody imposed quotas?</p> <p>6 A. He plainly stated that he didn't</p> <p>7 find any quotas imposed at Mercer station.</p> <p>8 Correct.</p> <p>9 Q. Now, subsequently though, it was</p> <p>10 September 11, that's when you were transferred</p> <p>11 to Butler?</p> <p>12 A. I was told on September 6. It took</p> <p>13 effect on September 11.</p> <p>14 Q. It was only about four days after</p> <p>15 that that Captain Simon came down with his</p> <p>16 report and basically concluded that you had</p> <p>17 imposed a quota. He also noted in there that</p> <p>18 you were guilty of some administrative</p> <p>19 deficiencies.</p> <p>20 A. Correct.</p> <p>21 Q. As we said earlier, you filed</p> <p>22 grievances as to the initial transfer, and</p> <p>23 ultimately when they imposed discipline for the</p> <p>24 quotas, you also grieved that?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 207</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. Maybe that's what I mean by a suit.</p> <p>3 You were upset with the people that had made</p> <p>4 accusations against you, and you wanted their</p> <p>5 testimony under oath.</p> <p>6 A. The reason I wanted their testimony</p> <p>7 under oath is I suspected that they would be a</p> <p>8 little bit more truthful than they would have</p> <p>9 if it was just a blanket testimony and nothing</p> <p>10 they said was recorded.</p> <p>11 Q. Now, did Attorney Caputo inform you</p> <p>12 that neither the Troopers Association nor the</p> <p>13 Commonwealth would have a court reporter</p> <p>14 present for a noncourt-martial hearing?</p> <p>15 A. I believe he mentioned something to</p> <p>16 that effect. I disagreed with him on that. I</p> <p>17 had numerous cases where they did have them</p> <p>18 there for lots of noncourt-martial offenses.</p> <p>19 Q. The day you showed up for the</p> <p>20 hearing on May 24, 2001, the only court</p> <p>21 reporter that was there was the one you</p> <p>22 privately engaged?</p> <p>23 A. Correct.</p> <p>24 Q. The Commonwealth didn't have one</p> <p>25 there?</p>
<p style="text-align: right;">Page 206</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. Now, your allegations against the</p> <p>3 association -- and I will make reference to the</p> <p>4 Complaint, Subparagraph A -- is that you had to</p> <p>5 pay for the services of a court reporter. The</p> <p>6 initial hearings before the arbitrator were on</p> <p>7 May 24 and May 25 of 2001; is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. Now, prior to the hearings on</p> <p>10 May 24 and May 25, had you met with</p> <p>11 Attorney Caputo?</p> <p>12 A. Yes. I met with him in Oil City.</p> <p>13 Q. Did you discuss with him your desire</p> <p>14 to have a court reporter present for the</p> <p>15 noncourt-marshall hearing?</p> <p>16 A. For the hearing, correct.</p> <p>17 Q. Did you indicate to him at that time</p> <p>18 that you felt some of the people who were going</p> <p>19 to testify against you were not going to be</p> <p>20 testifying truthfully, and you would want a</p> <p>21 copy of the transcript in order to impeach them</p> <p>22 in a suit you were thinking about bringing?</p> <p>23 A. I don't believe I told him I was</p> <p>24 going to bring a suit. I mentioned an EEOC</p> <p>25 complaint.</p>	<p style="text-align: right;">Page 208</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 A. Correct.</p> <p>3 Q. And the neutral arbitrator,</p> <p>4 Mr. Simonnett, hadn't ordered or brought a</p> <p>5 court reporter?</p> <p>6 MR. SANDERS: I am going to</p> <p>7 object to the characterization of Mr. Simonnett</p> <p>8 as neutral.</p> <p>9 MR. CAMPBELL: We'll just</p> <p>10 strike neutral and call him an arbitrator.</p> <p>11 MR. SANDERS: Thank you.</p> <p>12 Q. Now, at the time of the hearing,</p> <p>13 when the arbitrator saw that there was a court</p> <p>14 reporter there, did he indicate that if you</p> <p>15 were going to have it transcribed, he wanted a</p> <p>16 copy of the transcript?</p> <p>17 A. At the end of the hearing on the</p> <p>18 first day, May 24, he indicated that since</p> <p>19 testimony had been recorded by a court</p> <p>20 reporter, that he had to have a copy of the</p> <p>21 transcript. He basically said I don't care</p> <p>22 which one of you three provide it, but one of</p> <p>23 you are to provide me with a copy of the</p> <p>24 transcript.</p> <p>25 Joanna Reynolds and Attorney Caputo</p>

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<p style="text-align: right;">Page 209</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 indicated that they were not going to do it. I</p> <p>3 spoke to Caputo outside in the hallway. He</p> <p>4 advised me that he didn't think the union would</p> <p>5 provide the transcript, but he would request</p> <p>6 that they did. Then he also indicated that I</p> <p>7 may also want to contact the union to provide</p> <p>8 the transcript.</p> <p>9 Q. Now, if you hadn't brought a court</p> <p>10 reporter yourself, this hearing would have gone</p> <p>11 ahead with the arbitrator, with Joanna</p> <p>12 Reynolds, who represented the state police, and</p> <p>13 with Attorney Caputo, and having a hearing</p> <p>14 without a transcript; is that correct?</p> <p>15 A. I don't know. Maybe, I don't know.</p> <p>16 Q. Well, you agree the Commonwealth</p> <p>17 didn't have a court reporter there?</p> <p>18 A. Right.</p> <p>19 Q. The arbitrator hadn't brought a</p> <p>20 court reporter?</p> <p>21 A. Right. However, in September at the</p> <p>22 second part of the hearing, Attorney Caputo had</p> <p>23 contacted me and said --</p> <p>24 Q. Well, wait a second. We're not</p> <p>25 there yet. I'm talking about May 24 and</p>	<p style="text-align: right;">Page 211</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. Well, we're going through each one.</p> <p>3 It is your understanding that if it's a</p> <p>4 court-martial, meaning the person is to be</p> <p>5 terminated, there is a record made. Do you</p> <p>6 know that?</p> <p>7 A. I'm not sure I was aware of that at</p> <p>8 that time. I always assumed that.</p> <p>9 Q. Go ahead. Finish your answer.</p> <p>10 A. The reason why I assumed there would</p> <p>11 be a court reporter for these is because in</p> <p>12 1997, for that arbitration of D-138 and D-140,</p> <p>13 the union provided a court reporter.</p> <p>14 Q. Was that a noncourt-martial hearing?</p> <p>15 A. That was the transfer down to Butler</p> <p>16 from 1994.</p> <p>17 MR. SANDERS: So the answer is</p> <p>18 yes?</p> <p>19 THE WITNESS: The answer is</p> <p>20 yes.</p> <p>21 Q. As opposed to be being a grievance?</p> <p>22 A. It was a grievance. I filed a</p> <p>23 grievance for the transfer.</p> <p>24 Q. Were you grieving under the contract</p> <p>25 as opposed to grieving discipline that had been</p>
<p style="text-align: right;">Page 210</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 May 25.</p> <p>3 At the initial two days of the</p> <p>4 hearing, you were the one that brought the</p> <p>5 court reporter?</p> <p>6 A. Correct.</p> <p>7 Q. Now, what you state in Paragraph A</p> <p>8 is that similarly situated employees were</p> <p>9 treated differently. The first name I have</p> <p>10 here is Richard Queen?</p> <p>11 A. Correct.</p> <p>12 Q. What was the situation with Richard?</p> <p>13 A. He was a lieutenant. He had</p> <p>14 received two or three suspensions from his</p> <p>15 major or some type of investigation for some</p> <p>16 work performance. I think one was a five-day</p> <p>17 suspension and a three-day suspension. He had</p> <p>18 grieved it, and the court reporter was there.</p> <p>19 It was not a dismissal hearing. He was</p> <p>20 grieving the suspension.</p> <p>21 Q. You're saying that in the case of</p> <p>22 Richard Queen, this was a noncourt-martial</p> <p>23 hearing?</p> <p>24 A. Correct. Also in Lieutenant</p> <p>25 Stackhouse.</p>	<p style="text-align: right;">Page 212</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 imposed on you?</p> <p>3 A. I was grieving discipline. The</p> <p>4 transfer was discipline, so I grieved it under</p> <p>5 the same section I grieved the D-200.</p> <p>6 Q. The next name is Arthur Hershey? Do</p> <p>7 you know what the situation was with</p> <p>8 Trooper Hershey?</p> <p>9 A. Yes. He was a sergeant in charge of</p> <p>10 a station. There were some allegations made</p> <p>11 against him. His troop commander did to him</p> <p>12 the same as Captain Simon did to me later.</p> <p>13 That was I believe in 1995. December of 1995 I</p> <p>14 believe it was.</p> <p>15 His troop commander transferred him</p> <p>16 in the midst of an internal investigation,</p> <p>17 transferred him away from his station. He</p> <p>18 filed a grievance. There was a court reporter</p> <p>19 at that arbitration hearing.</p> <p>20 I also might add, it was held within</p> <p>21 40 days. It followed the grievance, and the</p> <p>22 arbitration was scheduled and heard within</p> <p>23 40 days. Mine took three years in 1994, and a</p> <p>24 year-and-a-half for this last one.</p> <p>25 Q. Now, the next is Patrick Mannion.</p>

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1 B. Williams - by Mr. Campbell
2 Do you know what was involved with that?
3 A. I don't recall at this time. I do
4 recall that the court reporter was there.
5 Q. You don't know the nature of the
6 hearing?
7 A. I can't think of it right now. I'm
8 sure it will come to me later.
9 Q. The next name is Gregory Styers.
10 A. I believe he was grieving some
11 suspension time.
12 Q. So you think that was also a
13 noncourt-martial?
14 A. Yes.
15 Q. Roy Guthrie?
16 A. Noncourt-martial. Roy was a
17 trooper.
18 Q. A trooper?
19 A. Roy was a trooper who received --
20 let me think now -- suspension time for not
21 arresting a guy in a toll booth, him and
22 another trooper. I think they were suspended.
23 They grieved it.
24 When they grieved it, because a
25 witness was not available, they postponed the

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1 B. Williams - by Mr. Campbell
2 grievance as opposed to what they did at mine,
3 they let a witness testify on the telephone.
4 Q. Christopher Aubrecht.
5 A. He was the second trooper I was
6 talking about. Those two were together.
7 Q. The last one is Diane Stackhouse?
8 A. Yes. She was a lieutenant. They
9 conducted an investigation for her allegedly
10 having answers to the promotion test from the
11 lieutenant. They conducted an investigation of
12 her. The union alleged that they violated her
13 rights by improperly investigating witnesses.
14 Not only did they have a court
15 reporter there for that, but she also filed a
16 suit in the Commonwealth Court or I'm thinking
17 it may be even federal court on her behalf.
18 Q. Now, when you hired the court
19 reporter for this hearing, were you under the
20 impression that the cost of the court reporter
21 might only be a couple hundred dollars?
22 A. That's what I assumed. When I hired
23 the court reporter, my understanding was that I
24 may have to pay for the court reporter. At the
25 time I hired a court reporter, there was no

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1 B. Williams - by Mr. Campbell
2 mention of that I may have to pay for the
3 transcript. I assumed it would be about two to
4 three hundred bucks.
5 Q. So you thought when you hired the
6 court reporter you were just going to have to
7 pay for like her time or appearance fee as
8 opposed to paying for that plus a transcript?
9 A. I thought I was going to pay for her
10 cost, period, two or three hundred bucks for
11 her being there.
12 Q. Now, under Subparagraph B, you
13 stated that you feel you weren't fairly
14 represented because a witness was allowed to
15 testify by phone on September 27 of 2001. Who
16 was that witness?
17 A. Corporal David Kelly.
18 Q. Was he your witness, or was he the
19 Commonwealth's?
20 A. Commonwealth's. He was the one that
21 started the quota allegation. He was central
22 to my defense. I wanted to cross-examine him.
23 Q. Now, was he out of state at the
24 time?
25 A. Allegedly.

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1 B. Williams - by Mr. Campbell
2 Q. It was a telephone deposition?
3 A. Correct. If I might add, he also
4 took off and was allegedly out of the state
5 back on May 24 and May 25. So in September
6 when he testified over the telephone, that was
7 the second time that he conveniently went out
8 of the state.
9 Q. Prior to his testifying, had he been
10 faxed or mailed the exhibits he had to testify
11 about?
12 A. I was not aware of that until I
13 walked in there on September 27.
14 Q. Were you present during his
15 testimony?
16 A. Yes.
17 Q. Who called him as a witness?
18 A. Joanna Reynolds for the PSP.
19 Q. Was Attorney Caputo permitted to
20 cross-examine?
21 A. Yes, but it was limited.
22 Q. How was it limited?
23 A. He could only cross-examine him on
24 documents that Corporal Kelly had with him
25 wherever he was at. I was sitting there with a

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2 lot of documents to have Attorney Caputo
3 question him on which would prove he was lying
4 or at least to my defense. Because he didn't
5 have the documents in front of him, he could
6 not or he was unable or he refused to ask him
7 any of those questions.
8 So, none of those documents, those
9 additional documents that I had there -- which
10 normally if he would have been there in the
11 room, we would have been able to produce the
12 documents and question him on them. Because he
13 was away, we could not, and we were not allowed
14 to ask him any questions because he didn't have
15 the documents with him.
16 Q. Was he testifying about the quota?
17 A. Yes.
18 Q. You were cleared ultimately of all
19 the charges of the quota by the arbitrator,
20 correct?
21 A. Correct. If I might add one thing,
22 he also testified about my alleged work
23 performance, the fact that he did not want me
24 to be station commander at Mercer.
25 Q. That was his opinion?

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1 B. Williams - by Mr. Campbell
2 A. Yes.
3 Q. There weren't any documents involved
4 for that?
5 A. No.
6 Q. Now, a lot of these witnesses that
7 were called to testify, were they giving
8 opinions as to your ability to manage the
9 station?
10 A. I don't know. As far as I was
11 concerned, there was just a bunch of lies
12 because of the discrimination.
13 Q. I understand that. My question is
14 the people that were being called as witnesses
15 by the Commonwealth, were they giving testimony
16 that was critical of your ability to administer
17 the station?
18 A. Yes.
19 Q. Would that have been true of all of
20 the Commonwealth witnesses?
21 A. No. Some of them just testified
22 about the alleged quota comment.
23 Q. How many witnesses did the
24 Commonwealth call?
25 A. Five supervisors from Mercer,

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1 B. Williams - by Mr. Campbell
2 Captain Simon -- it would be about seven or
3 eight.
4 Q. Of the seven or eight, the ones who
5 were supervisors either above or below you,
6 would they have been critical of you in
7 relation to your administrative skills?
8 A. Captain Simon was, and two or three
9 of the supervisors were. Yes.
10 Q. Now, the next witness, it was on
11 November 8, 2001. That individual who
12 testified by phone, was that actually at a
13 hearing before the arbitrator?
14 A. No. He was not before an
15 arbitrator. It was done by a deposition.
16 Q. The idea was then that this
17 individual was going to be deposed much as
18 you're being deposed today, but it was being
19 done by telephone?
20 A. I don't know. I was not in
21 Harrisburg to see how they handled it. I was
22 upset and disappointed that Attorney Caputo
23 would not subpoena him. So that when we were
24 in Butler on May 24, May 25, September 27 and
25 September 28, he refused to subpoena him as I

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2 requested.
3 Therefore, on the date when he was
4 due to testify, he conveniently took off from
5 work and never showed up. The attorneys among
6 themselves agreed that they would depose him
7 out of sight and out of ear of the arbitrator.
8 I thought it was unfair to me. I was upset.
9 So what happened in Harrisburg, I don't know,
10 because I didn't go to Harrisburg.
11 Q. Ultimately, was there a transcript
12 introduced into the record of this particular
13 person's deposition?
14 A. I don't know. I've never seen what
15 he said. No one ever told me.
16 Q. Who was the witness?
17 A. Corporal Dean Longs from Mercer.
18 Q. What was he testifying to?
19 A. He was testifying to the fact that
20 he had never heard me issue a quota allegation
21 at Mercer station.
22 Q. He was actually a witness that was
23 favorable for you?
24 A. He was a hostile witness that was
25 favorable for me.

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<p style="text-align: right;">Page 221</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. You were cleared ultimately of that</p> <p>3 charge of imposing the quota?</p> <p>4 A. Correct.</p> <p>5 Q. In Subparagraph C, you say that you</p> <p>6 were denied fair representation by a failure to</p> <p>7 subpoena specific documents such a weekly work</p> <p>8 rosters, leave slips, the IAD investigation</p> <p>9 report and relevant E-mails?</p> <p>10 A. Yes.</p> <p>11 Q. What specifically would these</p> <p>12 documents have shown?</p> <p>13 A. It would have shown that this</p> <p>14 alleged quota meeting that I had with these</p> <p>15 five supervisors would have been impossible to</p> <p>16 have. We never worked the same shift in that</p> <p>17 time frame.</p> <p>18 Q. Did you testify at these grievance</p> <p>19 hearings?</p> <p>20 A. Yes.</p> <p>21 Q. Did you testify to that?</p> <p>22 A. Yes.</p> <p>23 Q. You were believed?</p> <p>24 A. Yes.</p> <p>25 Q. You are saying this information just</p>	<p style="text-align: right;">Page 223</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. Now, did Attorney Caputo introduce</p> <p>3 exhibits on your behalf?</p> <p>4 A. Yes.</p> <p>5 Q. I think the record shows he</p> <p>6 submitted approximately 30 exhibits.</p> <p>7 A. I believe so.</p> <p>8 Q. Now, Subparagraph D states that on</p> <p>9 October 8 of 2001, you were forced to pay for</p> <p>10 the cost of the arbitration transcript?</p> <p>11 A. Correct, \$3,373.</p> <p>12 Q. Again, you say that -- and I won't</p> <p>13 go through all of the individuals. You cite</p> <p>14 the same names in Paragraph D that you cited up</p> <p>15 in Paragraph A?</p> <p>16 A. Correct.</p> <p>17 Q. Was it your impression that the</p> <p>18 transcript, if it had been paid by the</p> <p>19 association, would have been your transcript?</p> <p>20 A. No. I knew the transcript would go</p> <p>21 to an arbitrator, not me. I had been to a</p> <p>22 grievance before.</p> <p>23 Q. You also know that that would have</p> <p>24 been the property of the association. You</p> <p>25 would have no right to that transcript?</p>
<p style="text-align: right;">Page 222</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 would have supported your credibility? In</p> <p>3 other words, these were documents that would</p> <p>4 have also supported what you were testifying to</p> <p>5 the arbitrator?</p> <p>6 A. Correct. Also, it would have gone</p> <p>7 and clearly impeached their testimony as it</p> <p>8 related to me for alleged poor work</p> <p>9 performance.</p> <p>10 Q. I thought you said it went as to</p> <p>11 imposing quotas. Specifically, what would</p> <p>12 these documents have had to do with your work</p> <p>13 performance?</p> <p>14 A. Like I said, it would have further</p> <p>15 impeached their testimony and showing they were</p> <p>16 clear liars, clearly lying.</p> <p>17 Q. Now, you say these type of records</p> <p>18 are routinely subpoenaed. What's your basis</p> <p>19 for saying that?</p> <p>20 A. I have been on the state police for</p> <p>21 35 years. I am aware of numerous and have seen</p> <p>22 numerous meeting notes from grievances around</p> <p>23 the state that on numerous occasions the PSDA</p> <p>24 requested the subpoenaed copies of the internal</p> <p>25 investigation.</p>	<p style="text-align: right;">Page 224</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 A. Correct.</p> <p>3 Q. You know that under the law they are</p> <p>4 not permitted to copy it for you?</p> <p>5 A. Correct. I never asked for a copy</p> <p>6 of the transcript.</p> <p>7 Q. So what you're saying is that the</p> <p>8 transcript would have helped Attorney Caputo in</p> <p>9 preparing his brief?</p> <p>10 A. Yes, and also probably reminded him</p> <p>11 of stuff he left out, stuff he left out of the</p> <p>12 brief as in the AR-425. He and I discussed</p> <p>13 that. He and I and Joanna Reynolds discussed</p> <p>14 that in great detail.</p> <p>15 In fact, when he produced it at the</p> <p>16 arbitration hearing, she said it was out of --</p> <p>17 what's the word? It had expired and was not in</p> <p>18 effect, she would go back to Harrisburg and</p> <p>19 check. Then she did advise him before he filed</p> <p>20 the final brief that it was a valid special</p> <p>21 order still in effect. In fact, it didn't get</p> <p>22 changed until March of this year 2004.</p> <p>23 Q. Now, did you ever get a copy of</p> <p>24 Attorney Caputo's brief?</p> <p>25 A. Yes, the brief.</p>

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<p style="text-align: right;">Page 225</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 Q. Was that prior to the submission of</p> <p>3 the brief to the arbitrator?</p> <p>4 A. I believe it was at the same time.</p> <p>5 Q. Did you request any changes in the</p> <p>6 brief?</p> <p>7 A. I didn't have time. I believe the</p> <p>8 letter indicated, or I think it was addressed</p> <p>9 to myself and the arbitrator. I think he cc'd</p> <p>10 me something he sent to the arbitrator. I</p> <p>11 believe that's what it was. It was already</p> <p>12 gone.</p> <p>13 Q. Now, do you know if the attorneys,</p> <p>14 the attorney for the Commonwealth and your</p> <p>15 attorney, cleared it with the neutral</p> <p>16 arbitrator?</p> <p>17 MR. SANDERS: Objection again.</p> <p>18 You said the word "neutral."</p> <p>19 MR. CAMPBELL: Do you have any</p> <p>20 reason to believe he wasn't neutral?</p> <p>21 MR. SANDERS: I'm not</p> <p>22 testifying. I'm just making objections.</p> <p>23 MR. CAMPBELL: I will say</p> <p>24 "neutral arbitrator," and I'll note the</p> <p>25 objection.</p>	<p style="text-align: right;">Page 227</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 told me it was a done deal and there was</p> <p>3 nothing he could do about it.</p> <p>4 Q. Going to Paragraph E, I think you</p> <p>5 probably in the Complaint have the wrong name.</p> <p>6 It is Solicitor Sean T. Welby, however, that's</p> <p>7 Tony Caputo, who denied Plaintiff fair</p> <p>8 representation by filing a brief without a copy</p> <p>9 of the arbitration transcript. Did you note</p> <p>10 during the hearings that Attorney Caputo was</p> <p>11 keeping notes?</p> <p>12 A. A very limited amount of notes.</p> <p>13 Q. Do you know how many pages of notes</p> <p>14 he kept?</p> <p>15 A. My best guess is -- I don't know,</p> <p>16 five to ten, I guess. I remember sitting</p> <p>17 beside him real concerned because he was not</p> <p>18 taking notes, which is why I took almost a</p> <p>19 complete notebook pad full of notes.</p> <p>20 Q. If I could produce for you 30 pages</p> <p>21 of notes, would that change your opinion?</p> <p>22 MR. SANDERS: Now? After the</p> <p>23 fact, you're asking him?</p> <p>24 MR. CAMPBELL: Yes.</p> <p>25 MR. SANDERS: Answer the</p>
<p style="text-align: right;">Page 226</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 BY MR. CAMPBELL:</p> <p>3 Q. Do you know if they discussed with</p> <p>4 him the taking of testimony by phone and/or by</p> <p>5 transcript?</p> <p>6 A. I don't know.</p> <p>7 Q. Well, you were present at the</p> <p>8 hearings. Are you saying that this took place</p> <p>9 outside of the actual hearings?</p> <p>10 A. Discussion of telephone?</p> <p>11 Q. How the testimony of these witnesses</p> <p>12 would take place.</p> <p>13 A. It took place out of my earshot.</p> <p>14 Q. Are you saying there has never been</p> <p>15 a situation other than yours where somebody has</p> <p>16 testified by telephone or by deposition?</p> <p>17 A. I don't know, but I objected to it.</p> <p>18 I figured I had the right to object to anybody</p> <p>19 testifying on the telephone, especially one of</p> <p>20 my main accusers.</p> <p>21 Q. If you weren't there to hear the</p> <p>22 arrangements, how could you object to it?</p> <p>23 A. I objected to it when</p> <p>24 Attorney Caputo mentioned to me like one or</p> <p>25 two days before the September 27 hearing. He</p>	<p style="text-align: right;">Page 228</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 question. If he produces 30 pages now for the</p> <p>3 litigation, is that going to change your mind?</p> <p>4 THE WITNESS: That will not</p> <p>5 change my mind at all.</p> <p>6 Q. You're saying he only took five or</p> <p>7 ten pages of notes?</p> <p>8 A. To my best guess, somewhere around</p> <p>9 five to ten of what I could see. It would not</p> <p>10 change my mind at all.</p> <p>11 Q. Now, you're also saying you were</p> <p>12 denied fair representation by unduly delaying</p> <p>13 the grievance proceeding?</p> <p>14 A. Correct.</p> <p>15 Q. What do you know about the</p> <p>16 scheduling of the grievance proceedings?</p> <p>17 A. I filed a grievance. The first one</p> <p>18 I filed was in September. I was notified on</p> <p>19 December 12 that it had been denied and that</p> <p>20 the state police and the commissioner had the</p> <p>21 right to transfer lieutenants.</p> <p>22 I then asked the grievance committee</p> <p>23 to reconsider the determination. They advised</p> <p>24 me that they were sticking to their</p> <p>25 determination, no.</p>

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1 B. Williams - by Mr. Campbell
2 On January 16, 2001, I sent a letter
3 to the union. I attached to it a copy of the
4 Hershey decision from the arbitration decision
5 which basically he had grieved the same thing I
6 was saying. He was illegally transferred
7 during an internal investigation. Also the
8 fact that he had a hearing within 45 days. He
9 filed it, and the arbitration was scheduled
10 within 45 days. Then he was transferred back
11 to his station.
12 It was not until then that they
13 changed their mind. I then received another
14 letter probably in February saying we
15 reconsidered and now we're going to argue your
16 grievance and go forward. The problem with
17 that delay is that it allowed my illegal
18 transfer to stay in.
19 So under the union contract, once I
20 filed a grievance, what the union should have
21 done was force the state police either by
22 injunction or by court order to hold off any
23 punishment.
24 Q. Didn't you go to court and attempt
25 to enjoin the proceeding?

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1 B. Williams - by Mr. Campbell
2 A. Correct, in the Commonwealth Court.
3 Q. You were denied?
4 A. Correct. The judge ruled that since
5 we're bound to get binding arbitration, that
6 had to first be exhausted with the arbitration
7 procedure.
8 Q. Now, your second grievance wasn't
9 filed until January 2001, correct?
10 A. I believe January 20, or something
11 like that.
12 Q. The two grievances, the one you
13 filed in September of 2002 and the one in
14 January 2001, were joined together?
15 A. Only after I insisted on it.
16 Q. How long was your hearing following
17 the filing of the January 2001 second
18 grievance?
19 A. What do you mean?
20 Q. Well, it looks from the record that
21 it was scheduled for May?
22 A. Scheduled for May, right.
23 Q. Now, is there a time limitation
24 under the collective bargaining agreement for
25 when arbitrators have to hear grievances?

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1 B. Williams - by Mr. Campbell
2 A. I'm not aware of any.
3 Q. Are you aware how those are
4 scheduled?
5 A. No. The one I filed in 1994 was not
6 heard until 1997. This one was heard quicker
7 than that one, but I'm not aware.
8 Q. You don't know that it's the
9 availability of the arbitrator who is selected?
10 A. No, I don't know.
11 Q. You don't know of Attorney Caputo
12 doing anything to delay this?
13 A. No, I don't know.
14 Q. Under Paragraph No. 8, you say,
15 Defendant was denied fair representation by
16 allowing Ray Meldar and Lou Lazzaro to sit on
17 Plaintiff's grievance committee?
18 A. Yes.
19 Q. Now, these grievances were approved
20 by the association?
21 A. At the first meeting.
22 Q. Then they did go to hearings?
23 A. Yes.
24 Q. How were you prejudiced?
25 A. By delaying it.

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1 B. Williams - by Mr. Campbell
2 Q. We'll get to that. Now the last one
3 is you're saying that you were denied equal
4 benefits in that they refused to assist you in
5 giving you financial assistance in your attempt
6 to get a court injunction?
7 A. Correct.
8 Q. Now, basically what the court said
9 was what the association was doing was the
10 proper procedure, they were filing the
11 grievance for you.
12 A. Correct; however, Captain Ober, when
13 he made a request to the PSDA for assistance,
14 they gave him \$2,000. They gave me nothing.
15 Q. Did he go to court and enjoin a
16 hearing?
17 A. Yes. In fact, he had the same
18 attorney from Baltimore that I had.
19 Q. What was the difference then in your
20 case than in his if it's the same?
21 A. I don't know, but he personally told
22 me that he requested assistance, and they gave
23 him \$2,000.
24 Q. Do you know the outcome of his case?
25 A. Yes. They came to an agreement that

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<p style="text-align: right;">Page 233</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 he would accept a transfer back to Harrisburg.</p> <p>3 Q. So that was settled?</p> <p>4 A. Settled, correct.</p> <p>5 Q. It didn't go to arbitration?</p> <p>6 A. I don't recall. I don't remember</p> <p>7 him telling me. I don't think he told me what</p> <p>8 happened, but he did tell me he got \$2,000 for</p> <p>9 the attorney.</p> <p>10 Q. I'm sure you have reviewed or read</p> <p>11 the decision of the arbitrator when the matter</p> <p>12 was finally decided. As to your original</p> <p>13 grievance where you complained about being</p> <p>14 transferred from Mercer to Butler, he found in</p> <p>15 your favor on that, didn't he?</p> <p>16 A. Mercer to Butler, no.</p> <p>17 Q. Didn't he say that this was "double</p> <p>18 jeopardy" that was really a disciplinary</p> <p>19 transfer?</p> <p>20 A. Yes.</p> <p>21 Q. So you won on that point.</p> <p>22 A. But I didn't get reimbursed for the</p> <p>23 two-hundred-and-some hours of travel time.</p> <p>24 Q. The arbitrator's decision and what</p> <p>25 they decide is final and binding, correct?</p>	<p style="text-align: right;">Page 235</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 transfer back to Butler?</p> <p>3 A. Back to Mercer.</p> <p>4 Q. You wanted to go to Butler. You</p> <p>5 didn't want to go back to Mercer?</p> <p>6 A. I wanted to go back to Mercer.</p> <p>7 Q. On the second grievance, you were</p> <p>8 sent from Butler to Erie. If you won that</p> <p>9 second grievance, you didn't want the</p> <p>10 arbitrator to send you back to Butler, did you?</p> <p>11 A. No. I want to go back to Mercer</p> <p>12 which is why I filed both grievances together.</p> <p>13 Q. He made a finding in his decision,</p> <p>14 and he felt that there was a basis to uphold</p> <p>15 the transfer to Erie. Now as I understand it,</p> <p>16 the reason you want to go back to Mercer is for</p> <p>17 the appearance; is that correct?</p> <p>18 A. No.</p> <p>19 Q. Why would you want to go back and</p> <p>20 work where your immediate supervisor and his</p> <p>21 supervisor are apparently discriminating</p> <p>22 against you, and that all the people or at</p> <p>23 least half the people that are working under</p> <p>24 you are hostile toward you and are resistant to</p> <p>25 your leadership?</p>
<p style="text-align: right;">Page 234</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 A. Correct.</p> <p>3 Q. Now on the question of the ten days'</p> <p>4 suspension. We already discussed that. It was</p> <p>5 not imposed prior to the hearing. The</p> <p>6 arbitrator also found that there was no basis</p> <p>7 to conclude that you had imposed any type of a</p> <p>8 quota, so you didn't serve a ten-day</p> <p>9 suspension.</p> <p>10 A. No, but I was transferred.</p> <p>11 Q. Now, he transferred you. From</p> <p>12 reading it, is it your conclusion that he</p> <p>13 transferred you because of your lack of</p> <p>14 administration or managerial skills at Mercer?</p> <p>15 A. What are you talking about?</p> <p>16 Q. The decision.</p> <p>17 A. Mercer to Butler?</p> <p>18 Q. No. I'm talking about that you were</p> <p>19 transferred from Butler to Erie. Ultimately,</p> <p>20 you wanted to go back to Mercer, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Are you saying that on the</p> <p>23 disciplinary transfer from Butler to Erie in</p> <p>24 which you also received or were to receive a</p> <p>25 ten-day suspension, that you would have taken a</p>	<p style="text-align: right;">Page 236</p> <p>1 B. Williams - by Mr. Campbell</p> <p>2 A. A lot of them are no longer there,</p> <p>3 plus it's my right as an American citizen to</p> <p>4 work where I want. It's also the right of</p> <p>5 anybody else on the state police. We have a</p> <p>6 right to put in a request to be stationed where</p> <p>7 we want. There is nothing on the state police</p> <p>8 that says that you can't be stationed somewhere</p> <p>9 because someone has hostile intent toward you.</p> <p>10 Q. Let me ask you this. Is the</p> <p>11 procedure within the state police, can you bid</p> <p>12 on certain jobs by reason of your seniority?</p> <p>13 A. Yes.</p> <p>14 Q. I have to believe you have to be</p> <p>15 probably one of the most senior lieutenants?</p> <p>16 A. Second on the state police.</p> <p>17 Q. Does that give you the right to bid</p> <p>18 wherever you want to within the state system?</p> <p>19 A. Yes.</p> <p>20 Q. Have you exercised that right to</p> <p>21 bid?</p> <p>22 A. No. I was pending the outcome of</p> <p>23 the grievances and this EEOC lawsuit.</p> <p>24 Q. Is there some reason why you are</p> <p>25 forbidden to bid back into Mercer?</p>

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1 B. Williams - by Mr. Campbell
2 MR. SANDERS: I object to the
3 question. He has already answered. He is
4 waiting for the outcome of this case. This
5 case is his vehicle rather than the bidding
6 process is what he is telling you.
7 MR. CAMPBELL: I want to know
8 if the bidding process is an alternative to
9 this case. That's what I'm asking.
10 MR. SANDERS: Go ahead.
11 BY MR. CAMPBELL:
12 Q. How often are you permitted to bid?
13 A. If I want to put in a request for a
14 transfer, anytime, but you won't get a transfer
15 unless there's an opening. You can't request a
16 certain station in the troop. You have to put
17 in a request to the troop headquarters. Then
18 the captain determines which station you go to
19 or what position.
20 Q. I guess my question is your bidding
21 procedure doesn't permit you to bump people on
22 the basis of seniority?
23 A. No.
24 Q. The only thing you could do now that
25 you're stationed in Erie is you can put in a

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1 B. Williams - by Mr. Campbell
2 request to go back to Troop D. If, in fact,
3 you did go back there, whoever is in charge
4 could then determine where you would work
5 within the troop?
6 A. Correct.
7 Q. Once you're in Troop D, you can't
8 say I'm the most senior lieutenant, and I want
9 to bid on Mercer.
10 A. Correct.
11 Q. So effectively, you feel this
12 lawsuit is the only way you can get back to
13 Mercer?
14 A. Correct.
15 MR. SANDERS: Before he turns
16 60.
17 MR. CAMPBELL: I think that
18 does it.
19 MR. SANDERS: Is it okay if I
20 do the same thing, Scott? Before I turn it
21 over to you, can I ask my client, or do you
22 want to ask your questions first?
23 MR. BRADLEY: Yes, go ahead.
24 I don't think I'm going to have any questions
25 unless something comes up.

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1 B. Williams - by Mr. Sanders
2 -----
3 EXAMINATION
4 BY MR. SANDERS:
5 Q. Lieutenant, I just have a few
6 questions for clarification for the benefit of
7 my colleague who is sitting across the table
8 here, Mr. Campbell.
9 If I understand you correctly, with
10 regards to Mr. Caputo, you are not complaining
11 that Tony Caputo is a racist, are you?
12 A. No, I'm not.
13 Q. Not only are you not claiming he's a
14 racist, but your claim with regards to the
15 attorney is that he didn't go along with your
16 request to bring up race in front of this black
17 arbitrator; is that correct?
18 A. Correct.
19 Q. Is it your belief that had you
20 brought up a race card or the race issue, which
21 you had already put in your grievance and
22 called it civil rights violations, would have
23 had an impact on the arbitrator with regards to
24 the decision he finally rendered to the effect
25 that he felt that the transfer was appropriate?

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1 B. Williams - by Mr. Sanders
2 A. Yes, that and also the defense for
3 me for alleged poor work performance. He
4 refused to address that issue also.
5 Q. Let's talk about the \$3,370. Is it
6 your contention in this case with regards to
7 the association that the decision that you be
8 the one to pay the \$3,370 was racially
9 motivated?
10 A. Yes.
11 Q. I believe you gave an example of a
12 Captain Ober who had gotten \$2,000 worth of
13 assistance, or so he said, correct?
14 A. Correct.
15 Q. It's your belief that in this case
16 that the \$3,370 should have been paid all or a
17 portion of it by the FOP?
18 A. Correct. Under the contract, that
19 cost is normally split between the FOP and the
20 state police.
21 Q. In this case, are you seeking
22 recovery of the \$3,370?
23 A. Yes, I am. If I may also add?
24 Q. Wait for the next question.
25 A. Okay.

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<p style="text-align: right;">Page 241</p> <p>1 B. Williams - by Mr. Sanders 2 Q. Did you, in fact, talk to Tony 3 Caputo prior to the arbitration sessions in 4 front of the black arbitrator to the effect 5 that you wanted the opportunity to bring up the 6 race issue when you had a chance to testify? 7 A. Yes. I met him in Oil City, 8 Pennsylvania. 9 Q. Did Mr. Caputo advise you against 10 that? 11 A. Yes, he did. He rejected it. 12 Q. Did he tell you why, or did he give 13 you an explanation as to why even though your 14 grievance talked about civil rights that he 15 instructed you that he felt it was not 16 advisable to bring up your belief that you were 17 being racially discriminated against? 18 A. Yes. I met him, and he was eating 19 lunch in the restaurant there. I repeatedly 20 requested that the fact of the civil rights and 21 the violation of the discrimination, and he 22 specifically told me to save that for another 23 form, and that he preferred to not address it 24 as part of this procedure. 25 Q. At the time of that meeting in</p>	<p style="text-align: right;">Page 243</p> <p>1 B. Williams - by Mr. Sanders 2 A. Yes. 3 Q. In fact, that did not occur? 4 A. Correct. 5 Q. Mr. Campbell asked you if this was 6 all about saving face before you retired. You 7 wanting to go back to Mercer, is that part of 8 it? 9 A. Part of it, and I would like to get 10 my reputation back. 11 Q. Let me ask you something. If for 12 this particular lawsuit you are successful and 13 you are awarded as part of your remedy 14 reinstatement to commander in Mercer, you would 15 find that to be a favorable result for you? 16 A. Yes. 17 Q. Even though as Bryan pointed out or 18 implied, you would be back under Simon and 19 Seilhamer? 20 A. Yes. 21 Q. In fact, you're still under Simon 22 and Seilhamer in Erie, aren't you? 23 A. Seilhamer. 24 Q. I didn't mean to cut you off earlier 25 when you started to add something. Is there</p>
<p style="text-align: right;">Page 242</p> <p>1 B. Williams - by Mr. Sanders 2 Oil City, you had not filed Exhibit No. 1, had 3 you? 4 A. Correct. 5 Q. You had not filed the race 6 discrimination charges on or about April 16, 7 2001; is that correct? 8 A. Correct. 9 Q. You did that subsequent? 10 A. Yes. 11 Q. It's your position as you sit here 12 today that you did not accept Mr. Caputo's 13 explanation of a different form, and that you 14 should have been able to bring it up in front 15 of the black arbitrator? 16 A. Correct. 17 Q. I am assuming that you believe in 18 retrospect that the black arbitrator hearing 19 about the race allegations may have resulted in 20 your winning all of your points? 21 A. Correct. 22 Q. Had you won all of the points, is it 23 your contention in this lawsuit that you 24 then would have been awarded a return to 25 Mercer?</p>	<p style="text-align: right;">Page 244</p> <p>1 B. Williams - by Mr. Sanders 2 something else that you feel you would like to 3 say now that is responsive to your suit against 4 Mr. Campbell's client, the association, sir? 5 A. Yes. 6 Q. Would you please tell us what that 7 is. 8 A. On August 4, 2000, there was an 9 internal investigation. They interviewed me. 10 I had requested the use of the PSDA solicitor 11 to represent me. The union refused. Normally 12 in past cases, they would have if I would have 13 been white. White Caucasian members of the 14 state police would have been allowed to use the 15 union solicitor attorney. 16 As a result of that, I had to spend 17 \$729 out of my pocket to hire attorney John 18 Christopher from Mercer County to represent me 19 at the interview of Internal Affairs. 20 Q. What color is Ober? 21 A. White. 22 Q. So the Captain Ober who told you he 23 got the \$2,000 bit of help from the FOP is 24 white? 25 A. Correct.</p>

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1 B. Williams - by Mr. Campbell
2 Q. Dean Lawrence who was permitted to
3 testify by telephone is white?
4 A. Correct.
5 Q. Kelly is white?
6 A. Correct.
7 Q. I never met her, but is Ms. Reynolds
8 white?
9 A. Yes, Joanna Reynolds.
10 MR. SANDERS: That's all I
11 have right now.
12 MR. CAMPBELL: I have a few
13 other questions.
14 -----
15 EXAMINATION
16 BY MR. CAMPBELL:
17 Q. Are you aware that the association
18 paid almost \$15,000 in legal expenses for you
19 on these two grievances that they processed?
20 A. I paid almost \$20,000.
21 Q. Pardon me?
22 A. I paid almost \$20,000.
23 Q. Out of your own pocket?
24 A. Yes.
25 Q. You know the association paid that

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1 B. Williams - by Mr. Campbell
2 much for the grievances?
3 A. I don't know what they paid.
4 Q. Do you know what they normally pay
5 to process a grievance?
6 A. I have no idea.
7 Q. Do you think that that's a small
8 amount of money, \$15,000?
9 A. I don't know, but for 35 years I
10 have been paying my fair share. Now it's up to
11 \$500 a year. That's why they are to represent
12 me.
13 Q. So in effect, you almost got back
14 all of the dues that you ever paid plus all the
15 benefits they gave you by being your collective
16 bargaining --
17 A. I did not.
18 Q. You didn't what?
19 A. Get back everything I paid.
20 Q. Well, you mean all the years you've
21 been in the department, you never got the pay
22 raises, the increase in the health care, and
23 all those things that the union negotiates?
24 A. Along with all of the other members.
25 Q. Right, and they all pay.

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1 B. Williams - by Mr. Campbell
2 A. Yes.
3 Q. So you benefited just like everyone
4 else?
5 A. During bargaining sessions?
6 Q. Sure.
7 A. Yes.
8 Q. Now, at the time of the hearing, if
9 you wanted to bring up the racial aspect of it,
10 why didn't you just testify to it? You were
11 free to testify.
12 A. Attorney Caputo refused.
13 Q. You were testifying.
14 A. I followed. He was counsel, and I
15 followed his lead. I mentioned that at
16 arbitration, and he said, "Absolutely not." He
17 repeated that thing about another form. That's
18 another issue away from this. I kept
19 insisting, and he kept resisting.
20 Q. Was that because of your prior
21 discussion with him about wanting the
22 transcript because you were thinking of
23 bringing an EEOC complaint?
24 A. I have no idea. All I know is I was
25 requesting --

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1 B. Williams - by Mr. Campbell
2 Q. The EEOC is another form, isn't it?
3 A. Yes.
4 Q. In fact, that's where you went?
5 A. Correct.
6 Q. You went there with charges of
7 racial discrimination?
8 A. Correct. I also had it listed in
9 part of the grievance. He refused to address
10 that part of the grievance.
11 Q. Under the contract in the
12 definitions of what you can and cannot grieve,
13 is there a provision under the collective
14 bargaining agreement that you can grieve what
15 you say is a civil rights violation?
16 MR. SANDERS: If you know.
17 A. I don't know. I think you're
18 allowed to grieve discrimination as I listed
19 them on my grievances from 1994 and 1995.
20 Q. That's what you believe?
21 A. Yes.
22 Q. When you were transferred to Erie,
23 apparently your supervisor was Captain Conley?
24 A. Correct.
25 Q. Apparently, you were friends with

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<p style="text-align: right;">Page 249</p> <p>1 B. Williams - by Mr. Campbell 2 him? 3 A. I've known him for 30 some years. 4 Q. You were in the academy together? 5 A. No. 6 Q. He's a good, fair man, isn't he? 7 A. For the most part. 8 Q. While you were under his command, 9 none of the things happened to you that were 10 happening to you in Mercer? 11 A. It did happen; Troopers failing to 12 salute me. He did put a stop to it, if that's 13 your question. 14 Q. That's correct. That's what I'm 15 saying. He was your boss, and he protected 16 you. 17 A. Not so much protected me. He 18 followed state police orders and procedures. 19 Q. When you were working in Erie, not 20 only were you near your home, but you were 21 working for a boss who, in fact, was very fair 22 and basically implemented the rules and 23 regulations? 24 A. I worked for a lot of bosses on the 25 state police from here to Bethlehem that were</p>	<p style="text-align: right;">Page 251</p> <p>1 B. Williams - by Mr. Sanders 2 Seilhamer did to you? 3 A. Correct. 4 Q. In the process of doing that, it's 5 to ask that before you retire that your 6 reputation be reinstated? 7 A. Yes. 8 Q. That you be compensated financially 9 for what you have been through at the hands of 10 Mr. Seilhamer? 11 A. Yes. 12 Q. To be reimbursed for the losses that 13 you told both these attorneys that you suffered 14 at the hands of Mr. Seilhamer? 15 A. Yes. 16 Q. As soon as Erby left and he was 17 replaced by a white commander in Erie to whom 18 you are now reporting, you continue to be 19 humiliated? 20 A. Correct. It escalated. 21 Q. Have you had to pay the psychiatrist 22 out of your own pocket or has all of that been 23 paid by insurance? 24 A. All has been paid by Blue Cross/Blue 25 Shield insurance.</p>
<p style="text-align: right;">Page 250</p> <p>1 B. Williams - by Mr. Sanders 2 fair and implemented them. He was one of them. 3 Q. A lot of them are white? 4 A. Yes. 5 Q. How far is your workplace from here 6 to Erie from your residence? 7 A. Nine miles. 8 MR. CAMPBELL: Those are all 9 the questions I have. 10 MR. SANDERS: It's hard not to 11 follow up something like that, so bear with me 12 here. 13 ----- 14 EXAMINATION 15 BY MR. SANDERS: 16 Q. The fact that you're nine miles now, 17 does that change the fact that you were and had 18 presented evidence of discrimination? 19 A. No, it does not. 20 Q. Does that change the fact that your 21 record now after all these years of service has 22 been permanently tainted? 23 A. Correct, right. 24 Q. If I understand you correctly, this 25 lawsuit is in part an effort to address what</p>	<p style="text-align: right;">Page 252</p> <p>1 B. Williams - by Mr. Bradley 2 Q. As you sit here today, do you recall 3 how much the psychiatrist's rate or charges for 4 each visit is, approximately? 5 A. I believe he charges 120 bucks, and 6 I think Blue Cross/Blue Shield pays their 7 allowance which is \$50 or \$60 per visit. 8 Q. It's your belief for your allegation 9 in this case that those records that now exist 10 in the hands of that psychiatrist would not 11 have been necessary had it not been for 12 Mr. Seilhamer? 13 A. Correct. 14 MR. SANDERS: That's all I 15 have. 16 MR. BRADLEY: I have a couple 17 of questions. 18 ----- 19 EXAMINATION 20 BY MR. BRADLEY: 21 Q. Mr. Sanders just mentioned and I 22 believe you agreed with his characterization 23 that your record has been tainted. 24 A. Yes. 25 Q. I guess we're talking about your</p>

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1 B. Williams - by Mr. Bradley
2 career service record with the state police.
3 How do you feel that has been tainted?
4 A. This allegation about me imposing a
5 quota and not being a good decent station
6 commander has been spread all over the state
7 police. Captain Simon and Seilhamer openly
8 joked about it in Harrisburg, and it's all over
9 the state.
10 Q. At least with respect to the quota
11 allegation, you were cleared of that?
12 A. Correct.
13 Q. I guess when you talk about having
14 your reputation reinstated, that addresses that
15 same concern?
16 A. No, because to this date, there are
17 still people in the state police that think I
18 was found guilty of it and I had a quota. As
19 far as I last heard, Simon is still telling the
20 world that I set a quota at Mercer station, and
21 Major Seilhamer.
22 Q. Finally, Mr. Sanders asked if you
23 continue to be, and I think the word he used
24 was, humiliated, once Captain Conley retired at
25 Erie. Do you agree with that assessment?

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1 B. Williams - by Mr. Sanders
2 A. Yes.
3 Q. Is that based on the lack of respect
4 from the other troopers at the station who
5 refused to salute you?
6 A. That, plus the violation of the
7 chain of command, but yes.
8 Q. Just the things you talked about
9 before?
10 A. Yes, correct.
11 MR. BRADLEY: That's all I
12 have.
13 MR. SANDERS: Just a follow-up
14 to that.
15 -----
16 EXAMINATION
17 BY MR. SANDERS:
18 Q. If my understanding is correct, your
19 contention in this case is that that disrespect
20 that you're still experiencing is being allowed
21 to occur while Seilhamer is still in control?
22 A. Yes.
23 Q. That lack of respect is something
24 that you take personally and professionally; is
25 that correct?

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1 B. Williams - by Mr. Sanders
2 A. Yes.
3 Q. It's my understanding that these
4 officers that seek to disrespect you are white?
5 A. Correct.
6 Q. If I understand you, it's your
7 contention in this case that even though Hample
8 has made it clear that he doesn't expect the
9 procedures to be followed, that you still
10 believe it should be followed with regards to
11 you?
12 A. Yes, I do, as per state police
13 regulations.
14 Q. Has Seilhamer seen fit to step into
15 your work area in Erie yet? Has he, for lack
16 of a better way to phrase it, had the guts to
17 come up to Erie anytime since you were
18 transferred there?
19 A. I think I only saw him up there in
20 Erie. I saw him at a state police
21 Memorial Day. I think I only saw him twice or
22 three times.
23 Q. Did he greet you?
24 A. Yes, he spoke.
25 MR. SANDERS: That's all I

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1 B. Williams - by Mr. Campbell
2 have.
3 MR. CAMPBELL: Just one
4 question.
5 -----
6 EXAMINATION
7 BY MR. CAMPBELL:
8 Q. Under the rules and regulations of
9 the Pennsylvania State Police, if a subordinate
10 officer shows disrespect for a superior
11 officer, you have the right to bring
12 disciplinary charges, don't you?
13 A. Correct, but I have nobody to go to
14 because the captain has that policy that he
15 doesn't believe is saluting.
16 Q. Can you go beyond the captain to
17 someone higher in the chain of command?
18 A. I would have to go to
19 Major Seilhamer.
20 Q. Why don't you?
21 A. Because I know he won't do anything
22 about it based on past history with him.
23 Q. Well, you haven't done it?
24 A. Correct, I have not done it.
25 Q. Why don't you try to do it and see

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<p style="text-align: right;">Page 257</p> <p>1 2 if it works? 3 A. I don't know. I may consider it. 4 MR. CAMPBELL: That's all I 5 have. 6 MR. BRADLEY: Nothing further. 7 MR. SANDERS: We have nothing 8 further, but we would like to read and make a 9 copy available to me. 10 (Signature not waived.) 11 (Whereupon, the above-entitled 12 matter was concluded at 4:10 p.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 259</p> <p>1 2 COMMONWEALTH OF PENNSYLVANIA) COUNTY OF ALLEGHENY) 3 4 I, MARLENE A. ROBINSON, a notary public in and for the Commonwealth of 5 Pennsylvania, do hereby certify that the witness, BILLY R. WILLIAMS, was by me first 6 duly sworn to testify the truth, the whole truth, and nothing but the truth; that the 7 foregoing deposition was taken at the time and place stated herein; and that the said 8 deposition was recorded stenographically by me and then reduced to typewriting under my 9 direction, and constitutes a true record of the testimony given by said witness, all to the 10 best of my skill and ability. 11 I further certify that the inspection, reading and signing of said deposition were not 12 waived by counsel for the respective parties and by the witness. 13 14 I further certify that I am not a relative, or employee of either counsel, and that I am in no way interested, directly or 15 indirectly, in this action. 16 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 17 4th day of November 2004. 18 19 20 21 Marlene A. Robinson Professional Court Reporter 22 23 24 25</p>
<p style="text-align: right;">Page 258</p> <p>1 2 COMMONWEALTH OF PENNSYLVANIA) E R R A T A COUNTY OF ALLEGHENY) S H E E T 3 4 Billy R. Williams vs. 5 Pennsylvania State Police and the Pennsylvania State Troopers Association 6 7 I, BILLY R. WILLIAMS, have read the foregoing pages of my deposition given on 8 Thursday, October 21, 2004, and wish to make the following, if any, amendments, additions, 9 deletions or corrections: 10 Pg. No. Line No. Change and reason for change: 11 12 13 14 15 16 17 18 19 20 21 In all other respects the transcript is true and correct. 22 23 BILLY R. WILLIAMS 24 Subscribed and sworn to before me this day of _____, 25 _____ Notary Public (MAR)</p>	

65 (Pages 257 to 259)

Exhibit E
Transcript of Deposition of
Erby L. Conley
08-10-04

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1 ERBY L. CONLEY, first being duly sworn.
2 testified as follows:
3
4 MR. SANDERS: Would you kindly state your
5 full name for the record?
6 THE DEPONENT: Erby Lee Conley. C-O-N-L-E-Y.
7 First name is E-R-B-Y. Middle initial L.
8 MR. SANDERS: My name is Neal Sanders and I
9 am the plaintiff's attorney, Lieutenant Billy
10 Williams' lawyer here in a case -- Captain?
11 THE DEPONENT: I was a Captain. I'm retired
12 now.
13 MR. SANDERS: Retired Captain -- in a case
14 that has been docketed here in Pittsburgh or,
15 actually, I guess it's Erie. It's been
16 consolidated. Billy R. Williams, Plaintiff
17 versus The Pennsylvania State Troopers
18 Association. And Billy R. Williams,
19 Plaintiff versus the Pennsylvania State
20 Police. And we're here today to take your
21 deposition. I want to thank you for coming.
22 All of these documents are not part of your
23 deposition so, if you're thinking this is
24 part of your deposition, it's just some
25 things I've used.

1 question out and I will then honor your space
2 and let you answer it as you see fit to
3 answer it and not start my next question
4 until you're finished. Do you follow that?
5 THE DEPONENT: Yes I do.
6 MR. SANDERS: Also, if for any reason you
7 want to take a break, that's totally
8 permissible. And you just need to verbalize
9 the fact that you want to take one and then
10 we just take one. All we ask that you do, at
11 that point, is finish answering the question
12 that was pending at the time that you sought
13 to take the recess or the break. Do you
14 follow that?
15 THE DEPONENT: Yes I do.
16 MR. SANDERS: Do you know of any reason today
17 that, from your own medical point of view
18 concerning your own self, is there any reason
19 you're not able to testify or understand the
20 questions and be able to verbalize the
21 answers?
22 THE DEPONENT: No, none whatsoever.
23 MR. SANDERS: Those are just the things we
24 have to ask.
25 THE DEPONENT: Okay.

1 Have you, Mr. Conley, have you ever in
2 your life time, prior to today, ever given a
3 deposition where you have been put under oath
4 by a court reporter, a representative of the
5 court, and asked questions by an attorney in
6 a civil suit?
7 THE DEPONENT: Yes, sir.
8 MR. SANDERS: Perhaps you remember some of
9 the introductory remarks that you were given
10 by the attorney who questioned you at the
11 time. But for the sake of thoroughness, just
12 bear with me while I go over the introductory
13 comments. It doesn't take long, but it's
14 helpful. Basically the setting we're in is
15 called a deposition. It's a question and
16 answer session. And I'm going to be asking
17 you some questions this afternoon. And these
18 questions require that you give a verbal
19 response provided you understand the
20 question. Do you follow that?
21 THE DEPONENT: 100%.
22 MR. SANDERS: And, also, if for any reason
23 you're asked a question and you don't
24 understand the question and, as you may know,
25 when lawyers speak sometimes we're accused of

1 DIRECT EXAMINATION
2 BY MR. SANDERS:
3 Q. How old are you now?
4 A. 61.
5 Q. Afro-American?
6 A. Yes, sir.
7 Q. And when we started talking here recently this
8 afternoon you mentioned you're retired. Retired from where?
9 A. Pennsylvania State Police.
10 Q. And during the course of your employment with
11 the Pennsylvania State Police, did you come to become
12 acquainted and familiar with Lieutenant Billy Williams, the
13 plaintiff in this case?
14 A. Yes, sir.
15 Q. Captain, did you know Billy Williams before you
16 joined the state police?
17 A. No, sir, I didn't.
18 Q. And do you socialize with him outside of work?
19 A. On a couple of occasions he's been at my house
20 for a picnic and we've been at parties, parties together for
21 the state police.
22 Q. Would you consider yourself to be close friends
23 or just friends?
24 A. Friends.
25 Q. Now Lieutenant Williams has been on the force

1 maybe confusing the person with what we're
2 saying or asking. If that should happen
3 today, I apologize, but that's a cue to you
4 to verbalize that confusion. If you go ahead
5 and answer the question today it will be
6 assumed that you understood the question. Do
7 you follow that?
8 THE DEPONENT: Yes I do.
9 MR. SANDERS: So don't hesitate or be bashful
10 should you get asked a question to say you
11 don't understand it. That's a cue to us, as
12 lawyers, to rephrase the question so that by
13 the time you do end up answering it it's
14 because you now understand the question. Do
15 you follow that?
16 THE DEPONENT: Yes I do.
17 MR. SANDERS: Also, one of the things we
18 notice happens in depositions sometimes, not
19 all of the time, is that the lawyer and the
20 witness actually are talking at the same
21 time. And Ann Marie here over to your right
22 can probably go bonkers if that happens too
23 frequently because she's trying to get the
24 question down and then the answer down. So
25 if you would just give me a chance to get the

1 for 30-plus years and he's still on the force. How long
2 were you on the force?
3 A. 30 years, 5 months.
4 Q. And did you get to that mandatory retirement
5 point in your life where you had to step down?
6 A. Unfortunately, yes I did.
7 Q. Is it fair to say that, had that not been the
8 law you would have continued?
9 A. That is fair to say. I would have continued.
10 Q. Captain, from what you understand of the system,
11 the Pennsylvania State Police system, are there
12 opportunities for folks like yourself in a retired capacity
13 to come back in some consultant form?
14 A. Not that I know of, sir.
15 Q. Now in your 30-plus years of employment, have
16 you been at different stations?
17 A. Yes, sir.
18 Q. You finished your career, where?
19 A. Troop E, Erie.
20 Q. And you retired from Troop E, Erie in, what,
21 2003?
22 A. Yes, sir.
23 Q. What particular month?
24 A. May, May 13th.
25 Q. So you would be a May baby then?

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1 A. Yes, sir.
 2 Q. One day before your 60th birthday you put the
 3 papers in or the papers become effective?
 4 A. My birthday is May 14th and I left the 13th.
 5 Q. And when you retired, was Lieutenant Billy
 6 Williams in your troop?
 7 A. Yes, sir.
 8 Q. My understanding is he had been in your troop
 9 since January of '01. Does that sound about right?
 10 A. I believe that's true.
 11 Q. He came to you on a transfer from Butler, Troop
 12 D?
 13 A. Yes, sir.
 14 Q. Now when you were in the final stages of your
 15 career in Troop E, were you familiar with people like Major
 16 Terry Sealhammer?
 17 A. Yes, sir.
 18 Q. And Syd Simon?
 19 A. Yes.
 20 Q. And that would be Captain Simon or had he moved
 21 up a different title when you retired?
 22 A. He was captain when I retired.
 23 Q. What about Paul Evanko, the former commissioner?
 24 A. He was commissioner.
 25 Q. Would he have been commissioner in 2003 when you

1 corporal.
 2 Q. David Kelly?
 3 A. Yes, sir.
 4 Q. Caucasian?
 5 A. Yes, sir.
 6 Q. Now when you retired from the Pennsylvania State
 7 Police in May of 2003, would you have had done any kind of
 8 performance evaluations for Lieutenant Williams at all?
 9 A. Yes, sir.
 10 Q. And that would have been, what, two years, '01
 11 to '02 and '02 to '03?
 12 A. I believe I would have done two or three of them
 13 in a row. Probably three.
 14 Q. And what's your recall, as you sit here today,
 15 about what your professional opinions were of Lieutenant
 16 Williams serving under your command?
 17 A. I thought he did a good job. He did everything
 18 I asked him to do.
 19 Q. Were there any issues or any areas where you had
 20 counseled him or in anyway felt that he needed to improve?
 21 A. Not that I can remember -- well, maybe I'd tell
 22 Billy his uniform needed to be squared away sometimes.
 23 Q. Do you want to kind of elaborate on that, if you
 24 could for those of us that don't know what you mean by.
 25 square away his uniform?

1 retired or just prior to that?
 2 A. Just prior to that.
 3 Q. For the sake of the judge who may not know all
 4 of these situations, Terry Sealhammer would be white,
 5 Caucasian.
 6 A. Yes, sir.
 7 Q. Syd Simon would be biracial?
 8 A. I believe so.
 9 Q. Paul Evanko, white?
 10 A. Yes, sir.
 11 Q. Obviously, Lieutenant Williams, Afro-American?
 12 A. Yes, sir.
 13 Q. The last name Kelly --
 14 A. Can I clear one thing.
 15 Q. Sure.
 16 A. You said Syd Simon, biracial. I really don't
 17 know that. I never met his parents. I heard that but I
 18 don't know.
 19 Q. Whether you met his parents or not, what kind of
 20 an environment would you have heard that in, Captain?
 21 A. Just people talking, that's all.
 22 Q. What about you talking to him?
 23 A. We never talked about his background that way.
 24 Q. But that's something that you heard during the
 25 course of your employment in Troop E, that he was biracial?

1 A. It's hard to explain.
 2 Q. Give it a try.
 3 A. Billy's uniform, it was always unkept. When I
 4 say, unkept -- it's hard to explain it. Some guys look like
 5 poster boards and other guys don't and that's what it was.
 6 It wasn't nothing detrimental to his job performance or
 7 anything. It's just that some guys look better in a uniform
 8 than other guys.
 9 Q. Is this something that you saw fit to put in
 10 writing?
 11 A. No, it wasn't that bad.
 12 Q. Was this true of other people in your command?
 13 A. Yes, sir. I was known as a nit-picker, in a
 14 sense that, if I would walk by and your collar was up I
 15 would straighten it out for you. If your tie was crooked or
 16 you didn't have your shirt right I'd straighten it out.
 17 Yes. Just like when I came in, I asked Billy why he didn't
 18 have a tie on today.
 19 Q. In the background for your career you, if I
 20 remember correctly, told me on the telephone you have a
 21 brother who is employed in the state police. Is that
 22 correct?
 23 A. He's retired.
 24 Q. He's also retired?
 25 A. Yes, sir.

1 A. No. I believe I heard it from you, sir, when we
 2 talked on the phone one time.
 3 Q. Prior to your talking to me on the phone and
 4 that issue of biracial coming up, had you ever heard that
 5 during your employment?
 6 A. No I hadn't.
 7 Q. Did you consider him to be Afro-American?
 8 A. Yes. He looked Afro-American to me.
 9 Q. Some other names, people like Mr. Titler or
 10 Captain Titler or Corporal Titler, are you familiar with
 11 him?
 12 A. Barry, yes, sir.
 13 Q. And would he be caucasian?
 14 A. Yes, sir.
 15 Q. What about Trooper Perrine? Have you ever heard
 16 that name, P-E-R-R-I-N-E?
 17 A. It doesn't ring a bell, sir.
 18 Q. What about Melner?
 19 A. Doesn't ring a bell.
 20 Q. What about Sergeant Anderson?
 21 A. Doesn't ring a bell.
 22 Q. What about Pat Weyland?
 23 A. I can't put a face with the name.
 24 Q. What about Kelly?
 25 A. Yes, I do know Corporal Kelly. He was a

1 Q. And he would be, Hawthorne?
 2 A. Yes, sir.
 3 Q. Hawthorne Conley?
 4 A. Yes, sir.
 5 Q. Who retired first?
 6 A. He did.
 7 Q. Do you recall what year he retired?
 8 A. 2003.
 9 Q. Do you remember what month?
 10 A. I think he went in the end of March or the first
 11 part of April, I'm not sure.
 12 Q. Did you and your brother, Hawthorne, ever get
 13 into any discussion about Lieutenant Williams and the
 14 grievances that the Lieutenant had filed over his transfer
 15 from Mercer to Butler and Butler to Erie?
 16 A. At time to time we spoke about it, yes.
 17 Q. Did your brother ever tell you that he had
 18 testified in the arbitration proceedings in 2001?
 19 A. I honestly don't remember, sir.
 20 Q. The fact that you don't remember, would that
 21 also indicate that you don't ever have any recollection as
 22 to reading his testimony? Did you ever see a transcript of
 23 your brother's testimony?
 24 A. I saw transcripts of some of the testimony but I
 25 don't remember if I read my brother's or not.

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1 Q. Do you recall whose testimony you read?
 2 A. No. Lieutenant Williams showed me some
 3 transcripts on occasion.
 4 Q. Up at the barracks in Erie?
 5 A. Yes, sir.
 6 Q. And that would have been when he was under your
 7 command?
 8 A. Yes, sir.
 9 Q. When Lieutenant Williams was under your command
 10 for that last two years of your career, January of '01 until
 11 May of '03, how would you have rated him in terms of the way
 12 in which the troopers subordinate to him dealt with him and
 13 treated him? Did he generate respect?
 14 A. Yes, I think so. The guys that worked for him
 15 they respected Billy because Billy was a hard worker
 16 himself. He wouldn't ask anybody to do anything that he
 17 wouldn't do.
 18 Q. Did anyone ever come to you, either in writing
 19 or unofficially, when Lieutenant Williams was in your
 20 command for that two years, plus, four months, with any type
 21 of complaints about Lieutenant Williams?
 22 A. Only the time that him and Lieutenant Johnson
 23 got into it, that I can remember. Billy was the OP one
 24 weekend when a trooper died and they did the funeral
 25 arrangements together and they sort of bumped heads a little

1 Q. Let's talk a little bit about chain of command,
 2 something I'm sure you're all too familiar with in your 30-
 3 plus years in the state police. Is that a fair statement,
 4 that you're familiar with the chain of command?
 5 A. Yes, sir.
 6 Q. Down there in Butler at the barracks; not far
 7 from my office, you would have someone like Terry Seilhammer
 8 who would be the area commander. Is that where he would
 9 have been?
 10 A. That's where he would have been.
 11 Q. And under him you'd have a guy named Syd Simon?
 12 A. He was the captain of Troop D, yes, sir.
 13 Q. And then at the highest levels of the state
 14 police in Harrisburg back in '99 and 2000, you'd have Paul
 15 Evanko the commissioner?
 16 A. Yes, sir.
 17 Q. In terms of the way in which discipline gets
 18 metered out and eventually put into effect, for lack of a
 19 better term, would it be correct to say that the
 20 recommendation would start with someone like Syd Simon and
 21 would move up to Major Terry Seilhammer?
 22 A. No, sir. If there was a BPR, you know, if
 23 somebody makes an official complaint on you --
 24 Q. Correct. Let me rephrase it. If there's going
 25 to be a recommendation of discipline in the form of a

1 Bit.
 2 Q. Was this a Lieutenant Johnson?
 3 A. Yes.
 4 Q. Do you remember his first name?
 5 A. Tim Johnson.
 6 Q. And do you remember any of the details of that,
 7 what you called, bumping heads?
 8 A. Billy was down doing the job as OU and Tim
 9 didn't want him to do his job because it was his station.
 10 But Billy was down there as my representative and he was
 11 doing what he was supposed to be doing. And they kept
 12 calling me on Sunday for different little things and I
 13 finally said, work it out yourselves.
 14 Q. Is that how you handled things when you were in
 15 your command at the time, let them work it out themselves
 16 initially and see if it works that way?
 17 A. These were two lieutenants, sir. These weren't
 18 two troopers. They're professionals. They're officers on
 19 the Pennsylvania State Police, they should be able to work
 20 things out. It wasn't like threatening or anything like
 21 that. It was just a little bit of a turf battle.
 22 Q. Lieutenant Johnson, you said, Tim Johnson?
 23 A. Yes.
 24 Q. Caucasian?
 25 A. Yes.

1 transfer, a suspension, something to that effect, would Syd
 2 Simon recommending that be something that Major Terry
 3 Seilhammer would ordinarily know about?
 4 A. What Syd Simon as a captain would do he would
 5 adjudicate the BPR. He would not recommend any type of
 6 discipline. And that would go to the major and then to the
 7 department disciplinary officer who would then make out a
 8 discipline.
 9 Q. That major, in this particular set of
 10 circumstances, this time frame, we're talking '99, 2000,
 11 2001, 2002, that major would have been Terry Seilhammer?
 12 A. Right.
 13 Q. And you then talk about this disciplinary
 14 officer. Let's talk about that for a few minutes. In this
 15 case his name is Barry Titler?
 16 A. Right.
 17 Q. Now this disciplinary office position, is that a
 18 full-time position?
 19 A. Yes, sir.
 20 Q. And that's all this human being does every
 21 single day is to become involved in complaints and
 22 grievances and disciplinary matters?
 23 A. Yes, sir.
 24 Q. Have you ever had occasion to talk to Barry
 25 Titler about Billy Williams -- or I shouldn't say you with

1 Q. Is that the sum and substance then of any
 2 complaints that I asked you about that may have come to your
 3 attention about Lieutenant Williams while he was under your
 4 command toward the end of your career, other than the
 5 uniform and the tie and no tie?
 6 A. If it was something it was so minor it slipped
 7 my mind. I can't think of anything else that would have
 8 been so earth shaking that I would talk to Billy on or
 9 anything like that.
 10 Q. Let me ask you now about your experience in the
 11 troop. When you inherited Lieutenant Williams in January
 12 2001, he was transferred up to your Troop E in Erie where he
 13 apparently still is. Is that correct, to the best of your
 14 knowledge?
 15 A. Yes he is.
 16 Q. Do you remember whose position he filled or was
 17 he an add on like he had been in Butler?
 18 A. No, he wasn't an add-on. I think Lieutenant
 19 Johnson maybe transferred to Seneca and then Billy took his
 20 place. I'm not sure.
 21 Q. The reason I'm asking you is, I'm trying to find
 22 out whether you recall if it was a transfer vacancy or a
 23 retirement vacancy that resulted in there being a position
 24 for him in Erie?
 25 A. I don't remember, sir, honestly.

1 him or, how about him with you? Did that conversation or
 2 discussion take place between Erby Conley or Barry Titler
 3 where the subject was Billy Williams?
 4 A. I can't really say that. I talked to Barry on
 5 numerous occasions. Since Billy was in my troop, I don't
 6 think so.
 7 Q. Let's talk about before.
 8 A. Are you trying to say, how did Billy end up
 9 getting to my troop?
 10 Q. Of course I know that. Let me rephrase the
 11 question so you know what the question is I'm asking. Prior
 12 to the transfer of Lieutenant Williams from Butler to you in
 13 Erie, in January of '01, did you and Barry Titler have any
 14 discussions about Lieutenant Williams being down in Butler
 15 having previously been in Mercer, if you remember?
 16 A. I don't remember. Once again, I had a
 17 conversation on Lieutenant Williams down in Mercer. I kept
 18 hearing he was going to come to Erie and he didn't want to
 19 come to Erie. But I'm not sure if this was told to me by
 20 Seilhammer or through the disciplinary officer. I'm not
 21 completely clear on that.
 22 Q. All right.
 23 A. But I was told that Billy did not want to come
 24 up to Troop E in Erie because he was afraid of me.
 25 Q. Who told you that?

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1 A. Seilhammer did.

2 Q. And have you ever seen anything that would cause

3 you to believe that that was a correct statement?

4 A. When Billy first came he was very quiet. I was

5 told he was afraid of me and he didn't want to come to Erie

6 and that he expected me to get him, in so many words. I

7 called him in when he first came there and I told Billy

8 that, whatever happened down in Mercer I didn't know about

9 it. It had nothing to do with Troop E. And there was a

10 blank sheet of paper on the wall and he could write whatever

11 he wanted to write on it and I would treat him the way he

12 worked in Troop E.

13 Q. And the person who was voicing this comment to

14 you about you getting him came from, whose mouth?

15 A. Seilhammer said the commissioner, one of the

16 deputy commissioners was laughing saying that Billy was

17 afraid to come and see me because I would get him and stuff,

18 you know.

19 Q. Who was the commissioner or the assistant

20 commissioner?

21 A. I don't remember, sir. It was just a

22 conversation we had.

23 Q. Was this on the phone or in person?

24 A. On the phone.

25 Q. You and Seilhammer?

1 and we didn't talk any more about it. He went about doing

2 his job and I'd say a year, 18 months, over time with me.

3 Billy opened up and started telling me different things that

4 happened. I imagine he started trusting me after awhile.

5 Q. Not only did he trust you but he had, what,

6 would you say numerous conversations with you in that two

7 years and four months about what he had been through?

8 A. Yes.

9 Q. Did you ever take any notes or write anything

10 down anywhere about those conversations?

11 A. You mean as far as what he was telling me, make

12 notes of what he was saying?

13 Q. Yeah, that's my question.

14 A. I don't think so.

15 Q. Did these discussions, any of them take place in

16 a more social environment, Captain, as opposed to at work?

17 A. In my office or in his office.

18 Q. During those conversations that he had with you,

19 did the subject of how he had been treated in Mercer ever

20 come up?

21 A. Yes.

22 Q. Anything about his tires being slashed or his

23 property being vandalized?

24 A. Billy told me quite a few things. I can't

25 remember those two, but he did tell me numerous incidents

20

1 A. Yes.

2 Q. And this is prior to you getting Williams in

3 January '01?

4 A. Right.

5 Q. Did Lieutenant Williams ever tell you straight

6 out that he was afraid of you?

7 A. No.

8 Q. Did you ever address my client, Lieutenant

9 Williams, to tell him about the conversation that you had

10 had with Seilhammer about getting him?

11 A. Yes.

12 Q. And did you tell him that after he became a

13 member of your troop or before?

14 A. After.

15 Q. And do you recall the circumstances in which you

16 chose to tell him that?

17 A. My first meeting with him when I told him about

18 the blank sheet of paper.

19 Q. This meeting or discussion you had with

20 Lieutenant Williams in January of '01 took place, where?

21 A. In my office, probably.

22 Q. Where is that, physically?

23 A. In Troop E headquarters.

24 Q. Where is that around here?

25 A. East of here in Lawrence Park.

23

1 that happened to him.

2 Q. Had you ever heard that in your 30-plus years

3 from other black officers?

4 A. Yes.

5 Q. Had you ever had that occur to you personally?

6 A. My tires being slashed?

7 Q. Just what you would call harassment.

8 A. I've been called a nigger when I'm in another

9 room. I was at a friend's house one time, he's the police

10 chief of Lawrence Park now, he's white. We were classmates.

11 He invited me to his house for dinner one time, he and his

12 wife, and some white trooper was there and he wanted to know

13 why you invited a nigger to your house.

14 Q. Did that comment at the social engagement

15 actually take place in front of you?

16 A. No. They thought I was out of earshot but I

17 wasn't. My friend said, he's my friend, that's why he's

18 here.

19 Q. The officer or trooper you overheard say that,

20 was that a white trooper or officer?

21 A. Yes.

22 Q. Was that a state police employee?

23 A. Yes.

24 Q. Was that anybody from the E or the D Troop?

25 A. E Troop.

21

1 Q. Do you recall anything about that meeting, other

2 than what you've just told us, in terms of, perhaps, what

3 Lieutenant Williams responded to you or said to you when you

4 echoed the comments you've just testified to?

5 A. Not about the comments but when I said about him

6 being treated fairly and judged on his work he said, thank

7 you.

8 Q. Let's talk about the quiet comment. You made a

9 comment that when Billy first arrived in January of '01 in

10 Erie, I think you made the comment that he was quiet?

11 A. Yes.

12 Q. You and I know that's not his normal

13 disposition, don't we?

14 A. Yes. Billy's talkative.

15 Q. Not only is he talkative, but did he ever come

16 out of that quietness during the two years and four months

17 you had him?

18 A. Yes.

19 Q. Did you come to know or believe what it was that

20 had him so quiet? Were you familiar, for instance, with

21 what he had gone through with the Mercer to Butler transfer

22 and the Butler to Erie transfer?

23 A. The only thing I knew prior to Billy coming to

24 us is there were problems down in Mercer with Billy

25 Williams. When Billy came up I had my conversation with him

24

1 Q. Is that anybody you had in your command?

2 A. He was way senior than me. I was brand new at

3 that time. This was 30 years ago or more.

4 Q. As we sit here today, do you remember anything

5 else that Lieutenant Williams shared with you during that

6 two years and four months you had him in your command about

7 what he had gone through in Mercer?

8 A. Well the most outrageous thing that I remember

9 is when Billy told me that he was not allowed on his station

10 after 4:00 o'clock at night. And if you're a station

11 commander, to me, that's incredible that somebody would make

12 that statement and tell the station commander you cannot

13 administer your station.

14 Q. Did you ever find out yourself or through

15 Lieutenant Williams who had issued that order?

16 A. He told me but, offhand, I can't remember. I

17 want to say it was Syd Simon, but I'm not positive about

18 that.

19 Q. Let's talk about that for a minute. At the time

20 that he would have been the commander in Mercer --

21 A. Yes.

22 Q. -- so we're talking about the early '90s, '93,

23 '94, up till his transfer to Butler in 2000, in that time

24 frame. For a portion of that time, would he have had a

25 senior person above him named Syd Simon for a time?

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1 A. Yes he would.

2 Q. And, also, Harry Seilhammer?

3 A. Yes.

4 Q. Did the subject of race, Billy's race, your

5 race, ever come up in any of those gut wrenching

6 conversations you were describing he was having with you

7 where he was describing what happened to him in Butler and

8 Mercer, did the issue of race ever come up?

9 A. Yes it did.

10 Q. Did the lieutenant bring that up or did you

11 bring it up? Do you remember how it came up?

12 A. It could have been either way. When somebody

13 says something you ask a question and however they answer

14 just leads to something else. I can't just say he started

15 off by saying this happened because you were black or,

16 whatever, you know.

17 Q. But at some point it came up?

18 A. Right.

19 Q. Did it come up more than once during that

20 two-and-a-half years?

21 A. Yes, sir. Can I say one other thing too?

22 Q. Sure.

23 A. You mentioned about tires being slashed. I

24 don't remember Billy's tires being slashed, but years ago

25 Colonel Sharp's tires were slashed and he was a lieutenant.

1 fact that Lieutenant Williams had been accused of creating

2 an atmosphere in Mercer that rose to the level of an illegal

3 quota system, had you heard that?

4 A. I heard Billy had problems down there. I didn't

5 know the specifics until Billy came to Troop E and then I

6 got all of the specifics on that. I heard there were all

7 kinds of problems. I heard Billy is doing this and he's in

8 this kind of trouble.

9 Q. Since not everybody understands your profession,

10 that sort of information, would that come to you in meetings

11 or informally?

12 A. You have to understand me, sir. Some commanders

13 like to gossip. They're on the phone with other commanders

14 all of the time. I don't believe in gossip. I don't

15 gossip. If I call you I have a reason to call you to ask

16 you about state police or something that's going on. So I

17 didn't call around to other troop commanders gossiping. If

18 somebody told me something about Billy it was unsolicited,

19 just talking. But there are other troop commanders that

20 were on the phone all of the time. So I would have gotten

21 information from talking to Billy or just arbitrations.

22 It's just not my nature to gossip.

23 Q. Did you observe anything from Lieutenant

24 Williams, for the two-and-a-half years you had him in Erie,

25 that would cause you to believe that he created moral

26

1 Q. Ron Sharp?

2 A. Yes.

3 Q. In your 30-plus years on the force, did you ever

4 have the opinion that there was an unequal playing field

5 with regard to the race issue?

6 A. Yes, sir.

7 Q. And you say that under oath today, even though

8 you know and I know that Ron Sharp is black?

9 A. Yes, sir.

10 Q. And that there have been other black officers

11 who have reached levels in the state police of, like

12 yourself, of respect?

13 A. Yes, sir.

14 Q. Have you ever seen fit, prior to today, to ever

15 speak that opinion in any other kind of case or setting or

16 situation?

17 A. I've never been asked to.

18 Q. Let's talk about commanders and commanders

19 gaining respect from their supervisors and their

20 subordinates for awhile.

21 A. Yes, sir.

22 Q. Would you agree with me that, that issue was a

23 two-way street? In other words, that a commander can be

24 accused, as Lieutenant Williams was in the Mercer/Butler

25 situation, of not having the respect of his subordinates

29

1 problems for his staff?

2 A. No, sir. If I can go back further. I was a

3 trooper when Lieutenant Williams was a sergeant. He was a

4 staff sergeant in Erie. And he had the civilians, the desk

5 personnel and people like that, under his command. I

6 remember hearing the civilians how they spoke highly of him.

7 That he was one of the few people they had over the years

8 that actually treated them with respect. And then

9 Lieutenant Williams and I were both stationed in Bethlehem

10 at different times, and he was also staff out there. I

11 think I went in behind him. I'm not sure. And I remember

12 Captain Wards telling me -- he must have went in after me

13 because I met Captain Wards later on -- what a great man

14 Billy was and how he did a great job on his staff out there.

15 Q. Now through your discussions with Lieutenant

16 Williams and other people, in a non-gossiping manner, I

17 assume you learned that there were these allegations about

18 Lieutenant Williams in Mercer?

19 A. Yes.

20 Q. And, from what I understand of your testimony

21 today, those things that you heard totally differ from what

22 your experience was with him?

23 A. Yes, sir.

24 Q. Did you ever get any talk or conversation from

25 Simon or Seilhammer after you got Billy about how he was

27

1 arise because of, let's say, an effort to create problems

2 that really don't exist?

3 A. It could happen.

4 Q. In this case, have you ever had the opportunity,

5 Captain, to read the arbitration decision in Lieutenant

6 Williams' case?

7 A. I believe Billy let me read that one time, yes.

8 Q. And this would have been a period of time when

9 you inherited Williams from Butler?

10 A. Yes.

11 Q. So you had Lieutenant Williams for over a year-

12 and-a-half before the award from Alan Simanet (phonetic),

13 impartial arbitrator, came out. So would you have read it

14 shortly after it came out?

15 A. I would have.

16 Q. And in the decision on Page 14th in part it

17 says, quote: "The only reason that Captain Simon believed

18 the assertions of the supervisory staff over Lieutenant

19 Williams is simply due to the number of individuals who had

20 concocted this theory." You've heard of that word,

21 concocted, made up?

22 A. Yes.

23 Q. Quote: "Therefore, there was no credible basis

24 for Captain Simon's conclusion that Lieutenant Williams had

25 imposed a quota system." Unquote. Were you aware of the

30

1 doing or how he was conducting himself?

2 A. On a couple of occasions after I'd be talking

3 with Major Seilhammer and I'd tell him what a good job Billy

4 is doing for me. I would say, whatever happened down there

5 sure is not happening in this troop. Whenever I rated Billy

6 it had to go through his office too and he'd see that I was

7 giving Billy good ratings. I said, he deserves them. I

8 don't know what happened down there but it sure isn't

9 happening up here. He's working out very well for me.

10 Q. Do you ever recall Seilhammer's reaction to your

11 comments?

12 A. Yeah. Kind of incredulous, like, amazed that I

13 would say that.

14 Q. And did he ever say anything that caused you to

15 feel the reaction was the way you just described it, were

16 there any words you recall him using?

17 A. No, just his body reaction.

18 Q. These discussions were one on one in person?

19 A. Yes.

20 Q. And these would be down in the Butler barracks?

21 A. No, when he'd visit Erie.

22 Q. From the comments that Major Seilhammer made to

23 you about Billy after you got him in January of '01 through

24 your retirement in May of '03, did you get the impression

25 that Seilhammer was hoping or looking for Billy to mess up?

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1 A. Yes.

2 Q. Now when you retired you would have retired as

3 the commander?

4 A. Yes.

5 Q. Were you replaced by an Afro-American or a

6 white?

7 A. A white.

8 Q. And this individual who replaced you, his name

9 is, what?

10 A. Mike Hample. H-A-M-P-L-E, I believe.

11 Q. When you left Billy in Hample's hands, did you

12 have any concern going forward or did you give it any

13 thought about Terry Seilhammer and Hample looking to target

14 Billy or see if he could mess up at all?

15 A. No, sir, because I've known Mike Hample since

16 1973, we went through the training Academy together. I was

17 there when his kids were born. He's a very decent person.

18 I have no thoughts that anything like that would happen.

19 Q. For the few more months that Billy has left, you

20 are hopeful that he's in good hands, even though Seilhammer

21 is still running the show?

22 A. Yes.

23 Q. Now Billy will be out in December of '05, so,

24 again, do you stay in contact with your colleagues, at all,

25 in Erie now that you're enjoying or, I assume you're

22

1 under Simon and Seilhammer, did you find that to be ever

2 the case about Simon?

3 A. I have a hard time answering that because I like

4 Syd Simon. We've always gotten along. I didn't like what I

5 read in those papers. But Syd has never given me any

6 indication, other than he was a decent person trying to make

7 a career on the state police.

8 Q. Syd Simon never took you on?

9 A. No, sir.

10 Q. But from your reading the papers concerning

11 Lieutenant Williams, did you come to any kind of a

12 conclusion that Simon took Billy on?

13 MR. CAMPBELL: I'm going to object to the

14 question. You can answer.

15 A. I came to the conclusion, yes, Billy was given a

16 raw deal down there.

17 Q. And when you say, down there, are you talking

18 about the Mercer to Butler, Butler to Erie transfers?

19 A. No. Just what he showed me and what I read in

20 the paperwork, the transcripts and the different e-mails he

21 had showed me that went back and forth on him, to me it just

22 wasn't right. Something was wrong and he was getting the

23 short end of the stick, for some reason, down there.

24 Q. You knew when you read those documents that this

25 was happening under Terry Seilhammer?

32

1 enjoying, retirement?

2 A. No, sir, I don't stay in contact at all. Billy

3 and his wife were at my house the other day. I have a

4 picnic every year at my house and I invite some troopers.

5 some people I work with now and friends in the neighborhood.

6 And that's probably the only time I'll see Billy, maybe once

7 or twice a year. That picnic is when I do see him. I don't

8 go to the barracks. When I left there I was through, as

9 much as I loved the job, I'm not a hanger-on or anything

10 like that. Also, I have no use for Major Seilhammer,

11 whatsoever, and I wouldn't want to see him.

12 Q. Have you felt that way for some years going

13 backwards?

14 A. A long time.

15 Q. Do any of those feelings which have grown over

16 the years have any race undertone?

17 A. Yes.

18 Q. Have you ever seen fit to take that up with the

19 major?

20 A. Yes.

21 Q. Have you seen fit to do it in a one-on-one

22 setting or in some other setting?

23 A. Over the phone one time. One on one in his

24 office.

25 Q. And do you recall whether or not these two

35

1 A. Yes.

2 Q. Have you read anything recently about some

3 problems that Barry Titler is having?

4 A. A friend of mine, my best friend who is still on

5 the state police, told me that Barry got in some trouble.

6 Q. He, you understand, was the disciplinary officer

7 in the Billy Williams' case?

8 A. Yes.

9 MR. SANDERS: Captain, I'm going to take a

10 break for a few minutes.

11 (Off the record at this time)

12

13 BY MR. SANDERS:

14 Q. Captain, I just have a few more questions.

15 A. Yes, sir.

16 Q. I want to direct your attention to the way you

17 ran things in Erie, mainly what they call staff meetings?

18 A. Right.

19 Q. How often did you see fit to have staff

20 meetings?

21 A. We had a staff meeting, I think, twice a week.

22 Q. Did you hear through talking to Lieutenant

23 Williams or from other channels that one of the accusations

24 against him in Mercer was he had too many staff meetings?

25 A. I did hear that.

33

1 occasions that you can recall are pre '96 or post '96?

2 A. Well I didn't come to Troop E as a troop

3 commander till January of '98.

4 Q. So what you're telling us is all post '98?

5 A. Right. I knew Major Seilhammer prior to that.

6 I met him when I took over the LCB office in Pittsburgh.

7 When he made lieutenant I took it over.

8 Q. Now with your feelings for and comments about

9 Terry Seilhammer that go back, what, at least till '98, or

10 are you saying even before that?

11 A. No, I was ambivalent towards him when I just

12 knew of him. When I became troop commander is when we

13 started actually interacting.

14 Q. So the feelings you just spoke of all grew from

15 1998 till the time of your retirement?

16 A. Yes.

17 Q. Now let's talk about Syd Simon for a few

18 minutes. I assume Simon has to survive under Seilhammer?

19 A. I would imagine so.

20 Q. In your 60-plus years on the planet, have you

21 seen occasions where Afro-Americans will act in a certain

22 way in order to persuade white supervisors that they can

23 discipline other Afro-Americans?

24 A. Yes.

25 Q. And from what you could see of your years in E

36

1 Q. What was your reaction?

2 A. That's crazy. How do you know what's going on.

3 Q. Unless you have them, you mean?

4 A. Right.

5 Q. I want to draw your attention back now to Tim

6 Johnson. Do you recall an occasion where this white

7 lieutenant who you previously described, had a go around

8 with Lieutenant Williams in Erie, you yourself had a go

9 around with?

10 A. Yes.

11 Q. And do you recall making a recommendation to

12 Seilhammer, Major Seilhammer in Butler, that Johnson be

13 transferred and you were overruled?

14 A. Yes.

15 Q. Do you remember any of the details of the

16 conversation you had with Seilhammer when you brought that

17 to his attention?

18 A. Yes.

19 Q. Did you tell Seilhammer that you felt, or

20 something to the effect that Johnson had been disrespectful

21 to you?

22 A. Yes.

23 Q. And what was Seilhammer's reaction, if you

24 recall?

25 A. Well, can I take you back to the beginning of

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1 it?
 2 Q. Fine.
 3 A. When this happened between Billy and Lieutenant
 4 Johnson and I told him to straighten it out, well,
 5 Lieutenant Johnson took it that I was taking Billy's side on
 6 it. After the kids funeral he called up one day and just
 7 became very disrespectful on the phone and then he hung up
 8 so I called him back and I said, you come up to Erie right
 9 now you have a commanding officer. But I like Tim Johnson,
 10 I've been with him since he was a trooper. And I guess I'm
 11 getting towards the end of my career and I'm getting a
 12 little soft and I didn't want to hurt him. So I called
 13 Major Seilhammer up and I told him what had happened here.
 14 He said, well, think it over what you want to do and I'll
 15 back you. Give it a few days and think how you want to
 16 handle this. Lieutenant Johnson comes in and he apologizes
 17 and I accept his apology but, still, we have a chain of
 18 command. We have a structure on the state police and we
 19 can't go outside that structure. So I waited a few days and
 20 I thought it over and I recommended that he be transferred
 21 to Erie. And I was going to transfer another lieutenant who
 22 lives down where he does who traveled from Seneca every day
 23 to Erie, I was going to transfer him down there. I called
 24 Major Seilhammer and told him what I was going to do. I
 25 wrote the transfer up and he overruled it and said I waited

1 laughing. And he told me, you're going to change this and
 2 you're going to change this and that. I said, Major, if I
 3 done all of these things here I don't deserve to run this
 4 troop. I want you to BPR me right now. I want this
 5 settled. I'm requesting an investigation. I want this
 6 officially recorded. And he said, we don't need to do that.
 7 I said, yes we do because you've made accusations, they've
 8 made ridiculous accusations and you backed them up and you
 9 met with these people without first coming to me to ask me
 10 my side of it. I said, I want this investigated. He said,
 11 we don't have to do this. Erby. I said, yes, we do, we have
 12 to investigate this. Well to make a long story short, he
 13 backed off everything then. When I left there nothing was
 14 going on and it was exactly the way it was before when I
 15 walked in. The things I was doing I kept on doing because I
 16 was right. But that's not the only time he's done things
 17 like that. And the FOP came to me, the FOP president, and
 18 told me how the FOP felt about those charges and how
 19 ridiculous. He went down and met with these people and what
 20 they were saying was so ridiculous he wouldn't even type it
 21 up. He came to me and told me about it. He said, we never
 22 --
 23 Q. Does the word "he" have a name after it?
 24 A. President McKee (phonetic). These things were
 25 just out of the realm. But another time because of shortage

1 too long. I said, wait a minute, you're the one that told
 2 me to think it over when I explained everything that
 3 happened here. And we got into a huge argument over the
 4 phone and I said I want to see somebody above you because
 5 this isn't right what you've done and it's not the first
 6 time you've done this. And he ordered me that, you cannot
 7 see somebody above me. And I said, I will see somebody
 8 above you, but I went through the regulations and I can't.
 9 So I'm stuck there now with being made to look like a fool
 10 with this lieutenant who knows he's done wrong and his
 11 friends know he's done wrong and Seilhammer takes his side
 12 on it. It was a very hard pill to swallow because I was
 13 trying to do the right thing. I would never let anybody
 14 disrespect one of my officers, one of my lieutenants, like
 15 that. I never have and I never would. But it goes back
 16 further than that. When I took over the troop we were down
 17 17, 18 men and we had to go through the measures to keep the
 18 troop running, keep people on the road. And one of our
 19 stations was running overtime completely. People were
 20 living off their overtime wages. And the commissioner said,
 21 you can't do that, you have to stop this. So I put some
 22 jacobian measures out and I stopped the overtime and the
 23 people in that station completely went bonkers, that I was
 24 picking on them. That I was against them and I was a racist
 25 because I was black and it was a white station. There were

1 of manpower, they wanted you to think out of the box, so I
 2 came up with an order where I put crime men one day a week
 3 on the road in uniform to alternate the uniform guys. Half
 4 the crime unit would go this Thursday and the next Thursday
 5 the other half would go. And on these days we put extra
 6 patrols out. And I sent this order down to Major Seilhammer
 7 to let him see what I'm doing and he said it was a great
 8 order. He liked it, but somebody went and complained. And,
 9 once again, I was on vacation and when I came back he had
 10 told Lieutenant Johnson to stand down on those orders.
 11 Q. Let me ask you this: This exchange that you
 12 have just described that has gone on between you and the
 13 major in the same area that Lieutenant Williams is finishing
 14 out his command in, which would be D and E, does this have
 15 any similarity to what you gathered from Billy went through?
 16 A. You know, I never really thought about that
 17 until I was talking to him today and he mentioned it.
 18 Q. Who's, him, Attorney Bradley?
 19 A. Yes. And it does. But also, there was another
 20 time when a trooper got in some trouble. A Trooper McClain
 21 (phonetic) had gotten in some trouble and had a BPR on him
 22 and he's talking to a station commander and the station
 23 commander says that -- I don't know exactly how the
 24 conversation came out, but it came out that McClain said he
 25 was being picked on or, whatever. And the station commander

1 no black people in that station. And they had a meeting and
 2 they made up all of these things that I was doing wrong to
 3 these troopers down there. I mean, they had charges that
 4 were so ridiculous and they had a laundry list of things.
 5 And I was on vacation when this happened. And while I'm on
 6 vacation Major Seilhammer meets with these people at the
 7 Meadville station and they give him this laundry list of
 8 things.
 9 Q. Without me there, you mean?
 10 A. Without me there. All of these things I had
 11 done. I wrote them down. I have them at home someplace.
 12 They were so ridiculous, like, one person put that I didn't
 13 smile at people. Just stupid things like that. When I come
 14 back from vacation there's this note for me to report to the
 15 major's office. And Lieutenant Johnson, another lieutenant
 16 Johnson, who was my prime section commander, told me what
 17 happened while I was gone. So I went down to Butler and
 18 when I get in there he was going to jump all over me and I
 19 said, you don't do that. You treat me as a person.
 20 Q. Who's the he?
 21 A. Seilhammer. I said, you treat me as a person.
 22 You don't treat me any different. He backed off then. And
 23 then he ran down this long list of what I was going to do
 24 and how wrong I was and all of these different things. And
 25 he got to reading them and they were so ridiculous I started

1 said he was Irish and the Irish were the niggers of Europe
 2 back then. So when I read this report I highlighted that
 3 and I called BPR and I said, I want this investigated. I
 4 made sure the major knew about it.
 5 Q. This is Brian Simpson?
 6 A. Yes. And I thought for sure Major Seilhammer
 7 would take and pick up on this and want to know what's going
 8 on because I knew if it had been someone else he'd want to
 9 know what's going on, if it had been anything else going on.
 10 He never once mentioned this to me, that this man had made
 11 this racial statement on this report in that station in
 12 front of other troopers.
 13 Q. What kind of discipline did Simpson get?
 14 A. Nothing. What happened is, they did an
 15 investigation and it came out that nobody wanted to come
 16 forward on it to back McClain's statement up. But the major
 17 never asked me a word about that. He never said one word
 18 about it to me.
 19 Q. Captain, these feelings that you've echoed today
 20 in your deposition concerning these racial overtones that
 21 you experienced and that you feel that Lieutenant Williams
 22 experienced, do you have these discussions with Hawthorne,
 23 too?
 24 A. My brother and I have talked this over, yes.
 25 Q. Has Hawthorne, to your knowledge, gone through

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1 these kind of racial events in his career?

2 A. There's not a black man in the Pennsylvania

3 State Police who hasn't went through something.

4 Q. Can you count on one hand how many cases have

5 gone to court by Afro-Americans like Lieutenant Williams?

6 A. I really couldn't say, sir.

7 Q. Would this be the first one you're aware of that

8 has made it as far as it's made it with the plaintiff being

9 an Afro-American trooper or and Afro-American commander or

10 Afro-American lieutenant?

11 A. You're asking me to answer something I don't

12 know, sir.

13 MR. SANFORD: That's all of the question I

14 have right now.

15 THE DEFONENT: Thank you, very much. I would

16 like to say something though. I felt that,

17 in my time under Major Seilhammer, he treated

18 me differently than he treated white

19 commanders.

20 MR. SANFORD: Did you tell him that when you

21 had those discussions with him?

22 THE DEFONENT: Yes I did. I thought Major

23 Seilhammer was a racist.

24 MR. SANDERS: Thank you.

25 MR. BRADLEY: I have a few questions.

46

1 Q. When you were having your discussions after

2 2001, after Trooper Williams transferred to Erie, your

3 discussions with Trooper Williams about his situation down

4 in Mercer and Butler, did you take these as official

5 complaints or was this just conversation between two fellow

6 workers?

7 A. I took it Billy was explaining to me what

8 happened to him down there after he had gotten comfortable

9 with me up in Erie and started trusted me. That he wanted

10 to tell me what had happened to him down there.

11 Q. Did you feel any obligation to take those

12 discussions further than between the two of you?

13 A. Where could I take them to?

14 Q. To file any official reports?

15 A. These were things that had happened. These were

16 official reports. He was telling me what had happened to

17 him. These were all records. This wasn't like this

18 happened just that day. This happened a year ago or two

19 years ago. Maybe I didn't understand the question, I'm

20 sorry.

21 I guess what I'm looking at, was this just sort

22 of a conversation between two guys about something that

23 happened or did you feel that he was making an official

24 complaint regarding his treatment?

25 A. He told me what happened. This was between the

44

1

2 CROSS EXAMINATION

3 BY MR. BRADLEY:

4 Q. Within each troop of the Pennsylvania State

5 Police, how many divisions are there?

6 A. Three.

7 Q. Can you describe those?

8 A. Patrol, crime and staff.

9 Q. Could you briefly describe each of those

10 sections?

11 A. Well patrol section are the guys you see in

12 uniform. They do all of your primary investigations.

13 They're the first people you meet at a crime scene and they

14 do traffic work. Your staff people are your mop and broom

15 people. They're the ones that keep the station clean, keep

16 it running, keep the CSOs running. The crime people are the

17 people that do the secondary work, the major crime work.

18 Q. In your encounters with the plaintiff,

19 Lieutenant Williams, in the state police, you had indicated

20 that when you were at Troop E as a trooper he was a staff

21 sergeant?

22 A. Yes.

23 Q. Does that mean that he was in the staff section?

24 A. Yes.

25 Q. And at Bethlehem, what section was he in?

47

1 two guys.

2 Q. So this was, in your mind, outside of the chain

3 of command?

4 A. Yes.

5 Q. And, basically, he was telling you his side of

6 the situation?

7 A. He was just telling me what had happened to him.

8 He brought both sides in, what had happened to him.

9 Q. After 2001, did you ever talk to Captain Simon

10 or Major Seilhammer about what their side of the story was?

11 A. No I didn't.

12 Q. And in response to a question you had made the

13 comment, after looking at the papers, Billy was getting a

14 raw deal down there. Do you recall saying that?

15 A. Yes.

16 Q. What papers were you referring to?

17 A. He showed me a lot of papers. He showed me

18 e-mails and transcripts and an order that kept him out of

19 his station. To me that's a raw deal. You're a station

20 commander, how can you keep somebody off of their station.

21 He said that was the worse thing that ever happened to him.

22 MR. BRADLEY: That's all of the questions I

23 have.

24

25 CROSS EXAMINATION

45

1 A. I believe he was staff out there too.

2 Q. And under your command in Erie he was also with

3 the staff division?

4 A. Yes.

5 Q. Were you able to ever observe him in the role of

6 a station commander?

7 A. I have been on Mercer stations for meetings when

8 Lieutenant Williams was there as the station commander, but

9 only for a couple of hours or so.

10 Q. You never evaluated his performance as a station

11 commander?

12 A. No I haven't.

13 Q. In answering a question earlier you had talked

14 about a conversation, I believe you had with Major

15 Seilhammer on the phone. And this concerned the transfer of

16 Trooper Williams into Troop E in 2001 and there was some

17 reference to, getting him?

18 A. It was said he was afraid to come here because I

19 would get him.

20 Q. You're not testifying that you were ever ordered

21 by anybody to get him?

22 A. No, not at all.

23 Q. And there was never any suggestion or anything

24 of that nature?

25 A. No, just that he was afraid of me.

48

1 BY MR. CAMPBELL:

2 Q. Mr. Conley, at the time of Lieutenant Williams'

3 transfer to Erie in January of 2001, where did he reside?

4 A. I think he resided in Erie.

5 Q. He did. And he had resided in Erie prior to

6 that?

7 A. Yes.

8 Q. And the two assignments that he had, one was in

9 Mercer and one was in Butler, approximately, how far is it

10 from Erie to Mercer?

11 A. You're looking at 45, 50 minutes.

12 Q. And how long is the ride to Butler on a daily

13 basis?

14 A. Probably another 20, 25 minutes.

15 Q. So when he was transferred to Erie his only real

16 objection to it was his fear of you and the fact that you

17 might be out to get him. Is that right?

18 A. This is what I was told.

19 Q. Did he ever tell you that?

20 A. No, he never told me that.

21 Q. Do you have a particular reputation as a

22 supervisor, as far as you know?

23 A. Strict. I was a strict supervisor.

24 Q. But would you say strict, but fair?

25 A. 100 percent fair.

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1 Q. Once Lieutenant Williams got to know you a
2 little better and opened up to you, did he ever mention that
3 he had any fear of you as a supervisor when he first came
4 here?

5 A. No. As a matter of fact, I even asked him and
6 he said no.

7 Q. And did he ever tell you that he was actually
8 happier to be working up in Erie than to be working in
9 either Mercer or Butler?

10 A. No. He said he enjoyed Erie. He said he
11 enjoyed what he was doing but he never said I'm happier to
12 be here.

13 Q. Well it's more convenient in terms of the
14 commute every day. And, of course, he'd be under your
15 command and, from what you said, you're a fair individual?

16 A. I try to be, yes, sir.

17 Q. And he's never voiced any complaint to you about
18 any treatment or any orders, anything that you've ever done?

19 A. No, sir.

20 Q. And, as I understand it, you performed, is it
21 yearly evaluations?

22 A. Yes.

23 Q. And those evaluations, are you called upon to
24 give your opinion as to Lieutenant Williams in relation to
25 his job as a supervisor?

52

1 the people made up the stories on me on the one station
2 where I tried to get ahold of overtime and they concocted
3 all these stories of different things I was doing. And the
4 other one was innovative things with scheduling. And the
5 other one was with Lieutenant Johnson. Those are my three
6 main things.

7 Q. So there are three, not fifty?

8 A. Yes, sir.

9 Q. You mentioned that a Ron Sharp had his tires
10 slashed. Was it ever determined who had slashed the tires?

11 A. They were slashed in the Union Town Station, as
12 I understand the troopers did it. But that's 20-some years
13 ago.

14 Q. Were they actually charged with it?

15 A. I don't think anybody was ever charged with it.

16 MR. CAMPBELL: I think those are all of the
17 questions I have.

18 THE DEPENDENT: Thank you.

19

20 REDIRECT EXAMINATION

21 BY MR. SANDERS:

22 Q. Irregardless of whether Lieutenant Williams is
23 now dealing with a small commute, Captain, in your
24 experience with what he's gone through, has that left a
25 permanent scar on his reputation?

50

1 A. There's a section at the end, yes, you can write
2 remarks and comments down.

3 Q. And you've always been complimentary in that
4 section?

5 A. I've said he's done his job here without
6 complaint. I'm very happy with what he's doing. And that's
7 not verbatim.

8 Q. Actually, while he's working here with you, as I
9 understand it, there is a certain amount of protection from
10 Major Seilhammer?

11 A. Well any troop commander is a buffer to any of
12 his men, yes.

13 Q. Correct. In other words, the major is in no
14 position to take any direct action against him because he's
15 not dealing with him on a day-in and day-out basis?

16 A. I don't know that that question is worded in a
17 way I can answer it. Can you word that differently?

18 Q. Well, as far as I can see from the way it's
19 organized, if there was to be discipline taken against a
20 trooper, normally it would come from within the station
21 where he's assigned?

22 A. Discipline comes from the department
23 disciplinary officer. A troop commander only adjudicates
24 reports. We send in our -- not even recommendation, we just
25 adjudicate did this happen or did this not happen.

53

1 A. I think it has, yes, sir.

2 Q. And irregardless of the color of what the
3 arbitrator was, are you still of the opinion you gave
4 earlier that Seilhammer, in your opinion from your dealings
5 with him, is a racist?

6 A. Yes, sir.

7 Q. Given what you have experienced, and I'm talking
8 now about Lieutenant Williams' performance under you and so
9 forth. Given what you witnessed in his performance from
10 January '01 to May of '03, plus the times you would
11 experience him as a troop commander in Mercer for the times
12 you went to meetings that you described, in your opinion,
13 was he qualified to replace you?

14 A. He did. Whenever I'd go away I'd take and
15 rotate out of class between the lieutenants in the station
16 and Billy got his turn too. Lieutenant Johnson and the
17 other lieutenant, I rotated between the three of those.

18 Q. Who, in your understanding, as far as the chain
19 of command is in your area, made the decision that Hample
20 would be your replacement and not Billy?

21 A. Oh, that was done a couple of months after I
22 left the state police. It stayed empty and it was made in
23 Harrisburg. It had nothing to do with that.

24 Q. What I'm getting at is, do you have an
25 understanding as to whether Seilhammer would have had any

51

1 Q. So it never gets to the adjudicator without it
2 first starting out of the troop?

3 A. Right.

4 Q. One of the things I think you mentioned that you
5 had had a chance to review the arbitrator's decision and you
6 read through it. Is that correct?

7 A. There came a time when the state police policy
8 was that all arbitration decisions were sent to the troops
9 and all troop commanders read them, yes.

10 Q. The 10-day suspension, of course, was
11 overturned?

12 A. I don't remember, sir.

13 Q. But the transfer was upheld?

14 A. Yes.

15 Q. Do you know the race of the arbitrator who
16 decided that case?

17 A. No, sir, I don't.

18 Q. Did Lieutenant Williams ever tell you that it
19 was an Afro-American arbitrator?

20 A. No, he never did.

21 Q. You mentioned that there were a couple of
22 occasions where you had some interaction with Major
23 Seilhammer but you didn't state, specifically, what they
24 were. Do you recall mentioning two occasions?

25 A. Yes I did. I did recall. I said the time that

54

1 input in '03 as to who replaced you on a permanent basis?

2 A. Yes he did. I know that for a fact because one
3 of the lieutenants told me that at a meeting Major
4 Seilhammer when he introduced Captain Hample said, I
5 personally picked him. To that effect.

6 Q. How many times did Seilhammer contact you in '03
7 and ask you your opinion as to whether or not it should be
8 Billy that replaces you rather than Hample?

9 A. Well he couldn't have because Billy was not on
10 the list to replace me. He had to be on a list and Billy
11 was not on that list.

12 Q. And the fact that Billy was not on that list,
13 would that in anyway be due to the prior issues that he had
14 gone through?

15 A. I don't believe so because you have to take a
16 test to be on that list.

17 MR. SANDERS: Thank you, that's all I have.

18 THE DEPENDENT: I'd like to make one other
19 statement, too, since Mr. Campbell brought it
20 up two or three times. There was a fourth
21 time, too, that I'd like to bring up. Just
22 prior to 9/11, the state police were sending
23 a detail down to the WTO, the World Trade
24 Organization, was going to meet in D.C.. And
25 it was told to me by Major Seilhammer that an

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 1 Erie commander, other than him, had requested
 2 that I come and be in charge of his detail
 3 because Major Seilhammer told everybody that
 4 I was an operational type person. I was very
 5 good operationally. But because I'm not in
 6 that area it was said, no, you can't do it.
 7 It was never really -- I'd seriously consider
 8 it, I think, because it would have been a
 9 slap in the face to the other captains and I
 10 understood that. When we got our platoons
 11 together Major Seilhammer put me at a lower
 12 position than any other captains around. I
 13 had no decision making powers, at all. Yet,
 14 he had said that I was the strongest one
 15 operationally and stuff. This was the kind
 16 of person I was dealing with.
 17 MR. SANDERS: Anything further you'd like to
 18 say, sir?
 19 THE DEPONENT: No, that's all.
 20 MR. CAMPBELL: I just have a question or two.
 21
 22 RE-CROSS EXAMINATION
 23 BY MR. CAMPBELL:
 24 Q. In terms of the arbitration decision reached in
 25 Lieutenant Williams' grievance, do you have any knowledge or

58
 1 BY MR. SANDERS:
 2 Q. Just so we're certain and, especially, so the
 3 judge understands. This test that you've just been asked
 4 about, was this a test for commander position?
 5 A. It's a test, it's a captain and major test.
 6 Q. Let's forget about captain and major for a
 7 minute. Were you also the commander at the Erie Troop E
 8 when you retired?
 9 A. Yes.
 10 Q. What I was asking you earlier was, whether or
 11 not -- now, mind you, my client, Billy Williams, had been
 12 the commander in Mercer. Correct?
 13 A. Yes.
 14 Q. He wasn't a captain?
 15 A. Right.
 16 Q. He wasn't a major?
 17 A. Right.
 18 Q. Now focus on that. Now I'll give you the next
 19 question.
 20 A. Okay.
 21 Q. Where is it written, if you know, is there any
 22 restriction that my client could have been the commander in
 23 Erie when you retired, captain or no captain?
 24 A. Yes. It's written he can't because he wasn't on
 25 the list, sir.

56
 1 any information that Major Seilhammer had anything to do
 2 with influencing the ultimate decision that was made?
 3 A. No, sir, I don't.
 4 Q. Just one thing, in terms of rank, for instance,
 5 you had the rank of captain. Could you just briefly
 6 describe the process or procedure whereby individuals can be
 7 promoted to a rank, such as a lieutenant, captain or a
 8 major?
 9 A. Yes, sir. It's a testing procedure. There's an
 10 oral and written component to this testing procedure. And
 11 you take the written test and it's like a four or five hour
 12 test and you have to have to a certain score. And you go
 13 onto the oral board. There's three oral boards and they
 14 take your combined scores there and they come out with a
 15 final composite score. But you have to score above a
 16 certain percentage point to be considered. That doesn't
 17 mean you get promoted. You have to be above that to be
 18 considered. And then the commissioner for captain, major,
 19 whatever, he goes into this pool of candidates and he picks
 20 the people out of there that he wants.
 21 Q. As I understand it then, he can pick anyone who
 22 is within this pool?
 23 A. Right.
 24 Q. They're not ranked in any order?
 25 A. No. That's for captain and major, no, they're

59
 1 Q. Apparently he was on a list that got him to
 2 Mercer. There was a point in his career where he became the
 3 commander in Mercer?
 4 A. Yes, sir.
 5 Q. Had he had to pass the test back then with the
 6 orals and the writings then?
 7 A. Here's what you're missing, sir. Billy was a
 8 station commander. He made lieutenant so he's eligible to
 9 be a commander of a certain size station.
 10 Q. I see.
 11 A. And then when you get into that troop as a
 12 lieutenant or a sergeant the troop commander places you at a
 13 station or he can put you at headquarters. To become a
 14 troop commander the commissioner says, he looks over his
 15 eligible captains and says, we have a vacancy in a troop and
 16 this is the man I think can run that troop. When you get to
 17 that troop then you place your station commanders around.
 18 Q. Let's revisit that now.
 19 A. Okay.
 20 Q. So what you're telling me is, Erie is bigger
 21 than Mercer?
 22 A. Well, Erie is a station, sir.
 23 Q. What was Mercer?
 24 A. You have to understand troop E, Erie, is made up
 25 of six stations. Troop D, Butler, is made up of five, which

57
 1 just in this pool. It's called qualified and unqualified.
 2 Q. It's like pass/fail?
 3 A. Right.
 4 Q. And, obviously, the written test you get, that's
 5 an objective score?
 6 A. Right.
 7 Q. But the oral would be subjective in the sense
 8 that the people who listen to it sort of --
 9 A. No, they have anchors. When you're talking they
 10 give you a scenario and when you go to that scenario there's
 11 anchors that they're looking at to see if you're hitting
 12 those anchors as you go along that prove that you know, you
 13 understand where you want to go with this. Sometimes you
 14 can get extra credit if you say something that's not an
 15 anchor but it really fits that.
 16 Q. So it's not completely subjective on the part of
 17 the people that are sitting and listening to your orals?
 18 A. Right.
 19 MR. CAMPBELL: That's all.
 20 MR. SANDERS: I just have a few follow-up
 21 questions. Sorry, captain.
 22 THE DEPONENT: That's okay, sir.

60
 1 would be Mercer, Butler, Chippewa, New Castle. Erie is made
 2 up of Corry, Warren, Seneca, Girard and Corry.
 3 Q. So by my client being taken down by the process
 4 from Mercer back to Butler and then being transferred to
 5 Erie, isn't it true then that, had he been returned to
 6 Mercer, had he gone back to Mercer, he could have gone back
 7 as a commander without taking any more tests written or
 8 oral?
 9 A. As a station commander, not a troop commander.
 10 Q. I understand. But he left as a station
 11 commander?
 12 A. He left as a station commander.
 13 Q. And he could have gone back as a station
 14 commander, could he not have?
 15 A. He could have, yes, if the captain so chose to
 16 put him on a station.
 17 Q. And the captain would be Simon?
 18 A. Yes.
 19 Q. And the major would be Seilhammer?
 20 A. Right.
 21 Q. Let's visit a question that Attorney Campbell
 22 chose to ask you. And I'm glad he brought it up because I
 23 actually had forgotten. Let's talk about Seilhammer's
 24 impact on this decision. I'm holding up now the arbitration
 25 decision. Okay?

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1 A. Okay.

2 Q. Isn't it true that Lieutenant Williams, in the

3 course of his discussions with you when you two developed a

4 trusting relationship, had told you that there were certain

5 trooper witnesses. A guy named Matthew Tyzinski (phonetic).

6 And a guy named Bob Shrontz (phonetic), that he had wanted

7 to call or have testify on his behalf at the arbitration.

8 Do you recall that ever coming up with Lieutenant Williams?

9 A. Sir, one of the worse things in my life, I'm a

10 very visual person. I have to see a persons name several

11 times. I would not be able to answer that question.

12 Q. Would you be able to answer it if you saw the

13 name on a piece of paper?

14 A. No. I would not remember their names, is what

15 I'm saying.

16 Q. Forget about the names, then. Let's go to just

17 the general situation. Did Lieutenant Williams ever share

18 with you the fact when it came down, this arbitration

19 decision, that uphold the transfer whereby he was not able

20 to go back to Mercer as a station commander, did it ever

21 come up in conversation from him with you that he had had

22 some trooper witnesses in Mercer that were willing to

23 testify on his behalf but had not been called?

24 A. More than likely, but I can't say positive, sir,

25 because we had so many conversations on this. We talked

1 recommend for lieutenant. And he said, well,

2 they're saying they're making this one guy

3 lieutenant and it's all over the troop and

4 you don't know about it. So I got on the

5 horn and I call the commissioner.

6 MR. SANDERS: Who was, who?

7 THE DEPONENT: It was Lieutenant Colonel

8 Wartz (phonetic) at that time. And I told

9 him that Major Seilhammer had not discussed

10 this with me. We had other people that were

11 eligible for lieutenant and he completely cut

12 me out to the detriment of, he undermined my

13 authority in the troop by going into my troop

14 and recommending somebody for promotion

15 without me being involved in that decision

16 making process. Well, Lieutenant Colonel

17 Wartz agreed with me and rescinded his

18 promotion and promoted the person that I

19 wanted promoted because I had to work with

20 these people. And Seilhammer did not like

21 that. And I think that's part of why he

22 wanted to get me as much as he could.

23 MR. SANDERS: Anything else, Captain?

24 THE DEPONENT: That's all, sir.

25 MR. SANDERS: When a deposition comes to an

1 about this a lot.

2 MR. SANDERS: That's all I have.

3

4 RECROSS EXAMINATION

5 BY MR. CAMPBELL:

6 Q. When Lieutenant Williams was transferred to

7 Erie, could he have been made a station commander?

8 A. If there was a station open, yes, sir.

9 Q. Do you know if any station openings came up?

10 A. I believe it was Lieutenant Johnson lived in the

11 Seneca area. And it was my policy to try to put my station

12 commanders as close to home as possible. It didn't always

13 work because there's a Lieutenant Steele riding down there

14 because two come from the same area, which is a 90-minute

15 ride a day. That was just my policy. I always believed

16 that a happy person was a productive person. If you had a

17 person close to home they were more comfortable.

18 Q. And it would have been your decision in terms of

19 a station commander?

20 A. Yes, sir.

21 MR. CAMPBELL: That's all I have.

22 MR. SANDERS: Just so we have it on the

23 record. Is there anything else that you

24 would like to say that you believe is

25 relevant to this case, Captain?

1 end, like yours just did, you have a right

2 that you need to know about. And then we

3 need to know how you'd like to exercise that

4 right. Let me tell you what the right is and

5 then you can let me know how you want to

6 handle it. You have a right to have myself

7 and AnnMarie here make this transcript

8 available to you. Have it sent to your home

9 and you have 30 days to review it and to get

10 it back to me if there's any corrections that

11 need to be made, or you can waive that right.

12 Would you like to tell us which way you'd

13 like to go?

14 THE DEPONENT: I'd like to review it.

15 MR. SANDERS: Let the record show that the

16 witness has not waived signature and we'll

17 make arrangements, you and I, to get that to

18 him.

19 (Deposition concluded at 4:35 p.m.)

20

21

22

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24

25

1 THE DEPONENT: Yes, sir.

2 MR. SANDERS: Go ahead.

3 THE DEPONENT: I just thought of something

4 else. We talked about Major Seilhammer and I

5 already said what I think about him. We had

6 promotions coming out for lieutenant and we

7 had a couple of people that were eligible for

8 lieutenant in Troop E. As I was telling Mr.

9 Bradley, during my time as troop commander I

10 went out quite a bit to work with other state

11 police agencies and I had to go to Florida to

12 work with the Florida Highway Patrol. Major

13 Seilhammer was going around telling a

14 sergeant that he was going to make lieutenant

15 and he had recommended him for lieutenant,

16 but he never talked to me about it, not once

17 in one conversation. And then Lieutenant

18 Simpson was going around telling everybody

19 that this sergeant was making lieutenant.

20 Everybody but me knew about this. Thank God.

21 I'm in Florida and Lieutenant Williams calls

22 me and he says, are you aware that they're

23 making lieutenants in the troop. I said, I

24 know they're going to make them but nobody

25 has called me yet to ask me who I would

1 IN THE COURT OF COMMON PLEAS

2 OF ERIE COUNTY, PENNSYLVANIA

3 BILLY R. WILLIAMS

4 Plaintiff

5 vs

6 PENNSYLVANIA STATE TROOPERS

7 ASSOCIATION

8 Defendant

9 BILLY R. WILLIAMS

10 Plaintiff

11 vs

12 PENNSYLVANIA STATE POLICE

13 Defendant

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Deposition of ERBY L. CONLEY taken before and
by Ann Marie Sullivan, Certified Court Reporter and
Public in and for the Commonwealth of
Pennsylvania on and after the 6th day of
November, 2007 at the residence of Mr. and Mrs. Jones, 100 State
Pittsburgh, Pennsylvania 15219.

APPEARANCES

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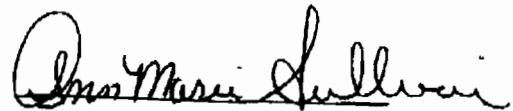
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1 COMMONWEALTH OF PENNSYLVANIA) CERTIFICATE
2 COUNTY OF ERIE) SS:170-40-5352
3

4 I, Ann Marie A. Sullivan, a Certified Court Reporter and
5 Notary Public in and for the Commonwealth of Pennsylvania,
6 do hereby certify that the deposition of ERBY CONLEY, first
7 duly sworn to testify to the truth, the whole truth and
8 nothing but the truth; that the foregoing testimony was
9 taken at the time and place stated herein; and that the said
10 statements were recorded stenographically by me and then
11 reduced to printing under my direction, and constitutes a
12 true record of the testimony given by said witnesses. I
13 further certify that I am not a relative, employee or
14 attorney of any of the parties, or a relative or employee of
15 either counsel, and that I am in no way interested directly
16 or indirectly in this action. IN WITNESS WHEREOF, I have
17 hereunto set my hand and affixed my seal of office this 27th
18 day of November, 2007.

19 
20

21 Notary Public
22

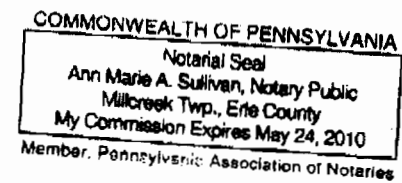


Exhibit F
Plaintiff's Proposed
Trial Exhibits 30A, 97, 98

SP BPR HDQTRS

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SP R+D Hbg Pa

717 772 1435

08/03/00 15:12 :01/02 NO:901

Herald
07/27/00

SERVING

MERCER COUNTY

Quota case isn't criminal, DA says

By Joe Pinchot
Herald Staff Writer

No criminal charges will be filed over allegations local state troopers had to write a certain number of citations and make arrests to avoid assignment to the worst work shifts, District Attorney James P. Epstein said.

But the completion of Epstein's investigation doesn't mean the end of the case instigated by troopers from the Mercer barracks in Jackson Township who say a quota system violates state law and their union contract.

The state police Bureau of Professional Responsibility is continuing to investigate and administrative disciplinary measures are still possible, said Capt. Sidney A. Simon.

Epstein said it was important to complete the criminal part of the investigation because even policemen have the right not to speak to investigators or answer questions that might be incriminating.

With no charges looming, troopers can be compelled to answer questions and cooperate with investigators or face sanctions, Epstein said. The police contract contains the only restraints the investigation.

"It's important that we have a firewall between the criminal aspect of this thing and the administrative side," Epstein said.

Jack W. Cline, an attorney hired by troopers, said he was not surprised that no criminal charges would be filed.

"We never alleged there was anything criminal," Cline said.

But troopers still believe that quotas were in place in violation of state law and that troopers were evaluated based on the quota system, which violates their contract, Cline said.

A letter from Cline to Simon dated Feb. 10 prompted the captain to launch the investigation.

Troopers alleged quotas were set and troopers who failed to meet them were placed on undesirable shifts. Citations issued under a quota system would be null and void.

Epstein said he believes no criminal cases have been compromised as a result of the troopers' allegations.

Simon said in February that
See QUOTA, page A-2

PLAINTIFF'S
EXHIBIT

30

ATTACHMENT 11

PAGE 1 OF 2

BPR HDQTRS

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troopers at the Mercer barracks in Jackson Township were not required to fill quotas, but some "misrepresentation or miscommunication" had taken place.

Epstein said that after reviewing the investigation, which included interviews and written submissions from troopers, there were "significant failures of communications and management."

Simon, who commands state police stations in five counties, said in February he took measures to make sure it doesn't happen again.

"To my knowledge that has stopped," Cline said of the alleged quotas. "I don't know what has been done there."

"I am convinced that everyone assigned to the Mercer barracks knows that quotas are illegal and will not be tolerated," Epstein said.

Cline said he's pleased that the investigation is not over.

Simon had said he hoped to have a report on the investigation by now, but doesn't expect one before Sept. 1. He said there are only four internal affairs investigators in western Pennsylvania and they handle each investigation in the order in which allegations are made.

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ATTACHMENT 11

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OF 2

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Wednesday,
Sept. 27, 2000

Sharon, Pennsylvania

C

Classified

C-4

TV grid

C-8

7 PSTN-18



David E. Dale/Herald

Let the band play

Master Sgt. Darryl Brenzel of the Army Field Band Jazz Ambassadors plays "Who Can I Turn To" on his saxophone. At right, band members play "The Star Spangled Banner" at the beginning of their concert Tuesday in Mercer High School Auditorium. The concert was sponsored by Mercer Community Band and The Herald.



MERCER COUNTY

No traffic quotas at local barracks, state police say

By Joe Pinchot
Herald Staff Writer

An investigation into whether state police at the Mercer barracks were ordered to meet a quota of arrests is complete.

"There was no actual quota schedule or the enforcement thereof at the Mercer station," said Capt. Sidney A. Simon, commander of Troop D.

"There were some administrative deficiencies discovered in the investigation," he added.

Because of those deficiencies, which Simon would not detail, "administrative corrective action" was taken, he said. Simon would not go so far as to call the action disciplinary and would not say how many people were affected.

The investigation was launched after a Feb. 10 letter from lawyer Jack W. Cline, who said he had been retained by a state trooper and had documentary and testimonial evidence that a quota system was being used at the barracks in Jackson Township.

A quota is a requirement that a policeman write a set number of citations or make arrests. Quotas are illegal under state and federal law, and violate the police union contract.

Citations issued under a quota system would be void.

Troopers alleged they were put on undesirable shifts for failing to meet quotas.

In July, Mercer County District Attorney James P. Epstein announced that no criminal

charges would be filed as a result of the investigation.

While a criminal investigation is under way, even policemen have the right not to speak to investigators or answer questions that might be incriminating.

Once the criminal question was out of the way, troopers could be compelled to answer questions and cooperate with investigators or face sanctions. The police contract provided the only restraints on the investigation.

Epstein had said there were "significant failures of communications and management."

Simon said he took administrative steps shortly after receiving Cline's letter to make sure no misrepresentation or miscommunication, which occurred in this case, ever happens again.

The captain said he took further steps once the state police Bureau of Professional Responsibility, Internal Affairs Division, completed its investigation and report.

Simon said he submitted his final report last week.

A message left for Cline was not returned.

Simon said he looked upon the investigation as a positive event.

"Clearly, when you have an investigation of this type, it uncovers some possible deficiencies in your organization," he said. "You don't have the opportunity to know that without this type of investigation."

OTHER BUSINESS

week and customers will receive one more bill this year. The annual rate of \$81.80 had been billed quarterly at \$20.45. Each bill will now be for \$13.63.

nity

Wednesday,

Sept. 27, 2000

Sharon, Pennsylvania

C

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C-4

TV 6

C-4



David E. Dale/Herald

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OTHER BUSINESS



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Sharon Herald

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Thursday
February 17,
2000

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Volume 136, Number 309

50 cents

MERCER COUNTY

Internal police probe looks at alleged quotas

By Joe Pinchot
Herald Staff Writer

A state police captain has launched an investigation into whether quotas were imposed on troopers at the Mercer barracks.

Capt. Sid Simon, who is based in Butler, launched the investigation after receiving a letter from lawyer Jack W. Cline, who alleged to have evidence that troopers at the Jackson Township police station were required to make a specified number of motor vehicle citations and arrests for other offenses.

In the letter, Cline said his office, Stranahan, Stranahan and Cline of Mercer, was hired by Trooper Robert Perrine.

"I've initiated an internal investigation into the whole mat-

ter," said Simon, who commands state police stations in five counties, including Mercer. "A determination will be made if in fact anything happened."

Although Simon said he was investigating the allegations, he denied troopers from Mercer are required to fill quotas. "It seems there is some misrepresentation or miscommunication has occurred at that station," he said.

Simon said he took "administrative, internal steps" to make sure the misrepresentation and miscommunication never happens again.

Quotas are illegal under state and federal law, and are not imposed by state police, he said.

Simon said he talked with a lawyer — he wasn't sure who

See **PROBE**, page A-2

SPORTS



Pittsburgh Penguins' Jaromir Jagr, left, works in front of the goal crease with **Buffalo Sabres'** Alexei Zhitnik during third-period action. The teams skated to a 1-1 tie.

Page B-1

INSIDE

W. Scott Hodge plans to retire this month from Svedala Industries Hodge Foundry. His departure will end 124 years of family leadership at the Hempfield Township company.

Business, page A-7

DEATHS

Theresa "Terri" Basile, 52, of 788 S. Irvine Ave., Sharon.

Mary G. Eaton, 49, of 421 Main St., Rimersburg.

Mary Kavulic Sotak Franek, 96, Fort Lauderdale, Fla., formerly of Cleveland and Farrell.

The Rev. Lynn I. Hepler, 76, Marlboro, N.J., formerly of Bellwood, Pa., and Sharon.

Dominic P. "Mickay" John,

last pouring

took a hard look at workers buy the plant, but didn't fly. Local 1153 represents 100 production workers

used to pump oil and natural gas through pipelines, Cooper has been hard hit in recent years by rock bottom oil prices.

Cooper closed the manufac-

operating in the borough for more than 100 years.

The plant is part of Cooper Energy Services based in Mount Vernon, Ohio. Cooper Energy Services is owned by

Probe

Internal police probe looks at quotas

from page A-1

— in Cline's office after receiving the letter.

"I'm sure we have an agreement that there are no quotas at the Mercer station," Simon said.

Cline could not be reached for comment.

In his letter, dated Feb. 10, Cline said station supervisors are making accusations against troopers who fail to meet quotas and punishing them by placing them on undesirable shifts.

Cline said state law deems any citation issued under a quota system null and void. That would void all citations and tickets issued in the year 2000," he wrote.

Cline demanded that the barracks stop charting citations and arrests and categorizing the troopers as acceptable or unacceptable.

He also called for scheduling duties to be returned to the sergeant, with schedules reverting to the way they were before the "quota-related retaliation."

Lt. Billy Williams, commander of the Mercer barracks, referred all questions to Simon.

Wednesday,
Sept. 27, 2000

Sharon, Pennsylvania

C

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TV grid

C-4
C-8

ENCLOSURE # 2

MERCER COUNTY

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By Joe Pinchot
Herald Staff Writer

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ATTACHMENT NO. 12

12 35

David E. Dale/Herald

Let the band play

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ATTACHMENT NO. 12

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PITTSBURGH POST-GAZETTE

WEST

BEAVER COUNTY

Trooper cops plea

A state trooper charged with illegally accepting almost \$20,000 from garage owners he was assigned to audit has forfeited his right to be a police officer in Pennsylvania in a deal with prosecutors.

Kenneth Brickett, 37, asked for money from commercial and school bus garage owners when he was assigned to the vehicle fraud unit out of the Beaver barracks. He asked for the money to fund a gambling habit.

The former officer will enter a rehabilitation program as part of a two-year probation after waiving his preliminary hearing.

Brickett could have received 35 years in prison if convicted on seven counts he faced involving alleged violations of the Public Official and Employee Ethics Act.

BCCC gets \$1.8 million

Commissioners yesterday approved a \$1.8 million contribution to the 2002-03 Beaver County Community College's \$14.3 million operating budget. The commissioners approved taking over the college last year because of its financial problems.

The commissioners take over July 1 and have already approved a new board of trustees.

ELLWOOD CITY

Oncology unit to close

Ellwood City Hospital will close its oncology unit next month after the unit's only cancer specialist announced he was leaving.

"We've been offering oncology services for 15 years and we would like to be able to continue," said Carolyn Izzo, chief operating officer. "But unfortunately, it looks as if we will have to discontinue those services right now."

The hospital will continue to look for a replacement doctor for the oncology center, which is scheduled to be closed July 5, Izzo said.

The current oncologist, Dr. George Garrow, told hospital officials he has too many patients at his Mercer County practice to continue.

MEADVILLE

Murder trial opens

Prosecutors took only 12 minutes during opening statements to tell a jury they have DNA, fingerprints and two confessions that tie a 16-year-old boy to the rape and murder of an elderly woman.

Aaron Louis Wilson, of Meadville, is being tried as an adult in the July 3 slaying of his 73-year-old neighbor.

Police said Wilson, who was 15 at the time, broke into Katherine Peterson's house to steal her car keys and strangled her with a belt when she confronted him. The car was recovered in Erie.

Prosecutors are not seeking the death penalty. Wilson is charged with homicide, burglary, rape and theft.

LOC

URA approved

By Timothy McNulty
Post-Gazette Staff Writer

The city's Urban Redevelopment Authority board yesterday approved housing developments in Homewood and Observatory Hill, a Homewood business plan, and tax incentives for a Panther Hollow technology center.

Board members also spoke out on rules to spur contracting and hiring from minority- and women-owned firms, and denounced newspaper articles alleging authority wrongdoing in the Hill District.

The board approved about \$964,000 in grants and loans to support the \$1.6 million development of seven housing units on Perrysville and Marshall avenues in Observatory Hill, where three existing homes will be demolished and four others rehabilitated. Sales prices will be between \$135,000 and \$206,000.

The agency also approved two Homewood projects. Ten parcels of vacant land on Finance Street, near Homewood Avenue, were conveyed to the Pittsburgh Housing Development Corp. to develop seven to 10 housing units, in

an estimate

A Frank Homewood for \$50,000 10,000-sq and up to establish issued to improve

The board a \$3.48 million plan to finance \$33 million garage to Carne construction in August proved b and Pitts

The situation, a tax become center is Industrial City C er board cies for women- the board

County panel fires

By Jeffrey Cohan
Post-Gazette Staff Writer

The Allegheny County Retirement Board yesterday fired RRZ Investment Management after the firm turned \$75 million into \$42 million over the past year and a half.

Although the \$33 million loss coincided with an overall decline in the stock market, RRZ's fund fared worse than the Russell 1000 Growth Index, the benchmark used to measure the firm's performance.

The board, which oversees a \$640 million pension fund for county government retirees, decided to drop RRZ in a 6-1 vote.

County Manager Bob Webb, one of

the board ing fact of the I ing the "The Webb ; reduce Cow the lon guing t a chan The since t million

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PLAINTIFF'S
EXHIBIT

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FRIDAY, JUNE 14, 2002

L NEWS / GOVERNMENT

s developments

\$1.4 million project.

own Avenue vacant lot in business district was sold to Byzantine Inc. to build a 3,000-foot Family Dollar store and other small retail establishments. Also, a \$50,000 grant was given to the developer to make site improvements.

The city gave its latest approval to a tax-increment financing agreement for infrastructure work at a technology center and parking lot in Panther Hollow, adjacent to Mellon University. Construction of the center is due to start after the financing is approved by the city, Allegheny County and the Pittsburgh Public Schools.

The center is owned by Carnegie Mellon University, an empty organization, but will be able once the technology center is handed over to the Regional Development Corp.

City Councilman Sala Udin told other council members that new URA policies for contracting with minority- and women-owned firms will be issued to the draft form next month.

The policies will tie contracting goals to the available number of contractors in the area, instead of using traditional participation goals of 25 percent minority and 10 percent women-owned firms. They will seek to boost employment of women and minorities by requiring contractors to report on the race and gender of employees and require inspections of contracting offices to make sure they are legitimate.

Board Chairman Tom Cox halted the beginning of yesterday's session to lash out at the Pittsburgh Tribune-Review for articles criticizing URA land acquisition policies in the Hill District, particularly a report that the authority was targeted for a federal criminal investigation. Cox called the newspaper accounts "outrageous" and "completely unsubstantiated."

Last month, a U.S. Department of Housing and Urban Development spokesman said a preliminary investigation of the URA found no evidence of criminal misconduct in the methods the authority used to acquire Hill District properties for an urban renewal project.

investment firm after loss

Members, said the decision was the retirement last year of an executive who was managing the firm's investments.

"The firm is not the firm we hired," said a board member. "They are a substantially different firm in terms of experience." County Controller Dan Onorato cast the deciding vote against dumping RRZ, arguing the board should give the firm another chance to perform in a bull market.

The stock market has been bearish since the board invested more than \$70 million in RRZ in November 2000.

A statement released yesterday by County Manager Charles Gornulka said the Board should have given the firm another 18 months before making a decision.

"Successful investment strategy is by definition a long-term strategy," he said. "It should not be viewed or evaluated with a short-term perspective."

But Yanni Partners, the board's investment adviser, recommended getting rid of RRZ yesterday, emphasizing the firm's failure to outperform the Russell 1000 Growth Index.

Overall, RRZ lost about 44 percent of the \$75 million county investment. The index of growth stocks declined about 35 percent during the same period.

The \$42 million of county pension funds still under RRZ's control yesterday will be transferred to Boston-based State Street, which will also be evaluated against the Russell 1000 Growth Index.

Controller says booking centers aren't being used

By Jeffrey Cohan
Post-Gazette Staff Writer

Suburban police departments are not making much use of the satellite booking centers that Allegheny County has created for them, county Controller Dan Onorato said in a report released yesterday.

The county's suburbs must use the centers more extensively to justify the estimated \$1.5 million expense of maintaining them each year, Onorato concluded.

"You must have the municipalities participate," he said.

To save suburban police departments the time and money it takes to transport arrestees Downtown for processing, the county opened up satellite booking centers in Penn Hills and Hampton in September 2000 and in McKeesport in July.

But, more often than not, suburban police are still making the trip Downtown to a central booking center in the Pittsburgh municipal courts building.

Figures presented in Onorato's report show that suburbs in the vicinity of Hampton, Penn Hills and McKeesport make about 600 arrests a month. About 110 of those arrests are being processed in the satellite centers.

Onorato said the expense of running the centers could be reduced by a staffing change. Instead of deploying two sheriff's deputies at each satellite for each shift, the county should man the centers with one deputy and one lower-paid technician.

County Manager Bob Webb and District Attorney Stephen A. Zappala Jr. had yet to review Onorato's report when contacted yesterday. Sheriff Pete DeFazio could not be reached for comment.

A study due next month by Con-sad Research Corp. of East Liberty is expected to provide either a basis for closing the centers or recommendations to make them more successful.

Trooper faces felony charge

*Fight occurred
between partners
in January*

By Felicia A. Petro
Allied News Staff Writer

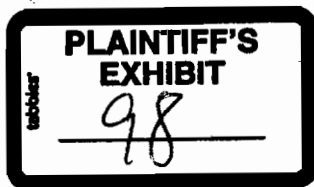
A fist fight between two state policemen in January was the subject of a preliminary hearing last week before district court in Slippery Rock, which resulted in a felony charge against the defendant in the case.

Trooper Henry Cole Moretti, 31, of Saxonburg, went before District Justice Clifford Woessner on March 4 for allegedly punching Trooper Steven R. Sheldon, 37, of Butler, in the left eye while they were on patrol during the midnight shift on Jan. 17.

State police filed charges against Moretti on Feb. 3 for simple assault and harassment/strike, shove, kick. The Butler County District Attorney's office added a felony aggravated assault charge at last week's preliminary hearing, which was reportedly unexpected by the defense. Moretti attended the hearing with his attorney, Alexander Lindsay Jr.

The DA's office added the felony charge after seeing the photographs taken of Sheldon with the alleged injury to his eye, said Assistant DA Jerry Cassady, who said in an inter-

See **TROOPER**, page A-2



Trooper

Trooper faces felony charge

from page A-1

view that DA Tim McCune, Sheldon and witnesses also attended the hearing.

The level of aggravated assault filed against Moretti involves "intentionally causing bodily injury," rather than "serious" bodily injury in higher aggravated assault charges, he added. Individuals are also given the felony charge when it involves any public officer on duty, Cassady said.

"To make it easy, simple assault becomes aggravated assault when it's a police officer on duty," he said. "(The defense) can't be surprised about it. It's not an obscure law. It's a well-known fact."

Sgt. Max Mohny Jr. was brought in from the New Castle barracks for the hearing. He initially investigated the case because both Moretti and Sheldon worked for the Butler County barracks.

According to court reports, an argument between the men began around 2:30 a.m. Jan. 17 while they were traveling south

on Route 8 in Brady Township.

"They just happened to be assigned together that evening," said state police press secretary Jack Lewis from Harrisburg. "They are not regular partners on midnight shift, when there's always two troopers in a car. Normally, there's just one trooper during daylight hours."

The argument between the troopers escalated, and Moretti allegedly reached from the passenger's side and grabbed Sheldon's right arm off the steering wheel, court records stated. From the action, Sheldon allegedly sustained a pulled abdominal muscle, it added.

Sheldon brought the vehicle to a stop and Moretti allegedly punched the driver in the left eye, which caused bruising, swelling and "substantial pain," records stated. Sheldon allegedly needed medical attention for his injuries and reported the incident the evening of Jan. 18.

At the preliminary hearing, Sheldon was the only one to give testimony. Cassady stated that Sheldon recounted pushing Moretti away by the face and hitting the back of his head in defense.

Lindsay said in an interview

that he could not discuss if his client was seeking charges against Sheldon. Also, the lawyer would not disclose if Moretti admitted harming Sheldon.

Cassady would not discuss any reasons stated about why the alleged argument occurred.

"My objective was to keep the testimony at the preliminary hearing limited to the elements of crime," he said. Preliminary hearings only establish whether the charges are reasonable, he added. Motive for an alleged crime doesn't have to be established in such a hearing. That would come out during the discovery process in a Butler County common pleas court trial.

During a Jan. 22 interview, Sheldon stated that he and Moretti had "bad feelings" for a long time, according to court records. Moretti has been with the state police since 1993; Sheldon, since 1994.

Moretti who is currently suspended without pay from his job. He was released on a recognizance bond, yet faces up to 10 years in jail and \$25,000 in fines for the felony aggravated assault charge alone, Lewis said.

The simple assault charge was classified a 2nd degree

misdemeanor, with a maximum penalty of two years and \$5,000 in fines. The harassment charge has up to 30 days in prison and a \$500 fine, he added.

Moretti's greatest worry will most likely be the felony charge, which still would have to be determined in a higher court during a trial. "There's no question he could (serve time)," Cassady said. "But, it's up to the judge."

With no pun intended, "Any case in which an officer is charged gives a black eye to all law enforcement," Lewis said. "But, we do vigorously investigate any allegations against officers, whether by the public or by another officer, and charge if the law is violated."

Once the criminal case is completed, an internal investigation will be held by the force to see whether Moretti violated policies and regulation of the state police.

"It could result in disciplinary action to a letter in a file to being dismissed from the department," Lewis said. "If he were convicted, it's most likely an internal investigation would recommend dismissal. Theoretically, it's possible (he could stay on the force), but it's not likely."

Allied News

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State budget could affect local district

Funding in question for programs

By Felicia A. Petro
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Like others school districts in Pennsylvania, Grove City is worried that this year's state budget by newly elected Gov. Ed Rendell may cause drastic budget problems in the district, including layoffs of administrators and teachers.

"The state budget is disturbing at this point," said Superintendent Robert Post.

The state House of Representatives approved House Bill 608 on March 6, which has absolutely no new money to fund education in the Commonwealth, as well as cutting out many school programs. The state Senate is expected to soon follow the House's lead, and the

governor has threatened to veto his own budget, citing that it was to be given in two phases and was passed by the House prematurely.

Post said the governor would most likely be able to veto the budget, or items within it. However, he warned at Monday's school board meeting that the district should still prepare itself for tough times ahead.

Already, the district is looking at increases in retirement payouts next year. It shares the cost of the retirement plan with the state. Grove City alone is expected to contribute another \$340,000 by next year.

Added to that are increases in medical insurance, which is expected to go up 30 percent. That will affect the district by

\$425,000.

With a mill currently being \$150,000, tax increases alone could not offset the \$765,000 deficit the district is facing next school year, Post said.

"We have those things, let alone inflation, teachers' salaries, and we won't be able to continue certain programs without additional support from the state," he said. "We're going to be negatively impacted."

Post has currently started looking at creating versions of the district's future budget with an eye on what's happening in Harrisburg. The worst-case scenario would be employee layoffs, increased real estate taxes and a decrease in educational programs, he said.

"I have to look at what money we have to spend, what revenue we have, what we can afford millage-wise, and what to

cut out," Post said.

First, the district would look at cutting out programs it doesn't need. "We don't have a lot there," he said. "We run pretty lean programs now."

The district could save between \$50,000 to \$100,000 in not buying new technology. It could also save about \$150,000 by not buying new curriculum for the 2004-2005 focus year. The district has already budgeted materials for next year's focus in social studies, Post said.

After educational programs are cut, the next to go will be new equipment, and then people, he added.

"For example, the administrators would have to come together and decide who we can cut and assign the rest extra duties," Post said. Currently, the district is not looking to fill

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Board, teachers OK 5-year pact raises pay 3.7% annually

Mercer Area School Board and its teachers' union Thursday agreed on a new five-year contract after 14 months of negotiations.

Both the board and the 103 members of the Mercer Education Association made concessions to reach the agreement. According to a release, teachers will get a 3.7 percent — or \$1,780 — raise each year of the contract, in return they agreed to work two additional days a year and to begin paying part of their health-care benefit for the first time.

"The contract negotiation process was a long and process," school board govtator Jeffery Brandt release. The